PROPERTY OF
PRINCETON
THEOLOGICAL
Division
Section
No.
SCC
1269

A

TREATISE

OF

Eccleſiaſtical Benefices

AND

REVENUES.

Containing, among other very curious Particulars,

I. That the Church hath been taught the Manner of Poſſeſſing and Adminiſtring her Temporals, by JESUS CHRIST.

II. That ECCLESIASTICKS become too greedy in *acquiring* Eſtates, and that their *Avarice* ought to be reſtrained.

III. That the BISHOPS becoming Judges in *Civil Affairs*, neglect to teach the Doctrine of CHRIST.

IV. The Original of Tythes, whether of Divine or Human Right.

V. The Original Government of the Church Democratical.

VI. Deteſtable Popes and prophane Biſhops deſcribed.

VII. The Uſurpations of ſeveral Biſhops upon the Temporals of Princes.

VIII. The Original of *Commendams*, &c.

Written Originally in *Italian*, Paolo Sarpi

By the Learned FATHER *PAUL*,

Author of the *Hiſtory of the Council of* Trent.

Tranſlated by TOBIAS JENKINS Eſq;

Late Member of Parliament, and Lord Mayor of *York*.

And Illuſtrated with Notes by Him, and from the ingenious AMELOT DE LA HOUSSAYE.

THE THIRD EDITION.

To which is prefixed, (never before printed)

The LIFE of FATHER PAUL,

By Mr. LOCKMAN.

And a PREFACE, giving an Account of the Work.

WESTMINSTER:

Printed for OLIVE PAYNE, at *Horace's Head*, in *Round Court*, oppoſite *York-Buildings* in the *Strand*; and JOSEPH FOX, at the *Half-Moon* and *Seven-Stars*, in *Weſtminſter-Hall*. M.DCC.XXXVI. (Price bound 5 *s.*)

TO THE

Right Reverend the Biſhop of *Wincheſter.*

My Lord,

I Shou'd not have preſum'd to addreſs your Lordſhip in this publick manner, had I not been fully perſuaded of the Eſteem you have for the learned and pious Author of the enſuing Treatiſe; whoſe Memory has ever been revered by Perſons who were themſelves eminent for the Superiority of their Virtue and Knowledge.

But to your Lordſhip, who is ſo much diſtinguiſhed upon both theſe accounts, he cannot but be particularly welcome, from that Sympathy which is ever found in the moſt exalted Spirits.

Father *Paul*, tho' ſo famous for the ſeveral Talents which adorn the Soul, all which were ennobled by the moſt amiable and moſt refin'd Virtues, he yet cou'd not eſcape the Virulence of Faction and Cabal: but theſe, ſo far from ſullying his Character, only gave it a purer Luſtre; as the Shadows in Painting ſet off and illuſtrate the Lights.

'Tis a happineſs to Society, when Perſons of your Lordſhip's unbounded Knowledge and Goodneſs riſe to ſo high a Station in the Hierarchy. By the former, you are enabled to ſhed ſuch Radiance, as will guide Mankind to thoſe things which ought to be their greateſt Concern; and by the latter, you diffuſe a benign Influence, which does not a little contribute to their Felicity in this Life.

But

But the Circumſtance for which your Lordſhip's Name is had in the utmoſt Veneration by the Virtuous, is that noble Spirit of Liberty which is conſpicuous in all your Words, Writings, and Actions. As this is the darling Characteriſtic of an *Engliſhman*, ſo is it more immediately that of your Lordſhip.

The Power with which you are ſo juſtly inveſted, ſo far from inclining you to exerciſe all the Rigours of it, ſerves only to enlarge your Humanity, and to render the Influence of it more univerſal.

But as Envy has her Eye for ever open on uncommon Merit, your Lordſhip muſt not expect to eſcape her malignant Glances. This has been the Fate of all illuſtrious Men in every Age from *Socrates* to Father *Paul*, and will continue to be ſo to the end of the World.

However, theſe Attacks are as ſo many Vapours, which tho' they obſcure the Sun for a Moment, they yet muſt blow off, and make way for the triumphant Planet to reveal himſelf in all his Splendors.

The Parallel, on this Occaſion, will always hold with your Lordſhip, whoſe Humanity muſt be put to a freſh Tryal, by the Liberty I have taken to grace the following Sheets with your Name, without firſt deſiring Leave for that purpoſe. But the Reaſons I gave in the beginning of my Epiſtle will, I flatter my ſelf, plead my Apology in ſome meaſure; eſpecially when I aſſure you, that no one can be with greater Veneration,

MY LORD,

YOUR LORDSHIP's

Moſt Obedient Servant.

PREFACE.

OF *all the Compositions of Father* Paul, *none have more strongly invited the Curiosity of the Public, than his History of the* Council of Trent, *and the present Treatise of* BENEFICIARY MATTERS. *The Subjects of both these Works were extremely important; and no one was abler to write on both, than the learned Author who was pleas'd to undertake 'em.*

The important Post he was rais'd to; the great Transactions he was concern'd in for so many Years; and the high Regard which the Senate of Venice *paid to his Opinions, in all Matters relating either to Church or State; sufficiently prove how capable he was of writing on what forms the Subject of the following Treatise. Fra.* Fulgentio *says of Father* Paul; Cosa mirabile era, che non solo sapeva della ragione Canonica le leggi e decreti, mà sapeva i tempi che ciascuno de' Canoni era stato fatto, i fonte onde erano cavati, la causa ch' aveva mosso à fargli: * i. e. " *'Twas surprizing that he was not* " *only perfectly acquainted with the Canon Law;*

" *but*

* Vita del Padre *Paolo*, pag. 39. Anno 1658. 12°.

" *but alſo knew the Period in which every one of* " *thoſe Laws was made; the Fountains whence they* " *were drawn, and the Cauſe for which they had* " *been enacted.*" *And afterwards,* Nella materia beneficiale, così intricata, così moltiplice, così varia, ſapeva tutte le raggioni controverſe, i progreſſi, le mutationi, e alterationi. Mà à queſta theorica portò da Roma tutta la prattica di quante Congregationi e Tribunali vi ſono, le loro formule, i loro procederi. * i.e. " *In* BENEFICIARY " MATTERS, *which are ſo intricate and various,* " *he knew all things which are doubtful and con-* " *troverted; as well as the Progreſs, and Alte-* " *rations that have happened in them. But he* " *join'd to this Theory, the Practice which he* " *brought from* Rome, *of the Uſages and Pro-* " *ceedures of the various Congregations and Tribu-* " *nals eſtabliſhed in that City.*"

The Treatiſe in queſtion is not only very inſtructive, but at the ſame time entertaining, by the great number of hiſtorical Facts with which it is interwoven.

We are very much obliged to Mr. Amelot de la Houſſaye, *(who firſt divided this Work into Chapters) for the great Pains he took in illuſtrating the whole with Remarks. On this occaſion he delivers himſelf as follows:* " *As for my own Notes and Obſerva-* " *tions, I flatter myſelf that they will meet with a fa-* " *vourable Reception from the Public; ſuch a Recep-* " *tion, I mean, as is due to Truth; ſeeing they are a* " VERIFICATION *of all the Facts which Father* " Paul *relates; and which at the ſame time ſerve* " *as*

* Vita del Padre *Paolo.* pag. 39. Anno 1658. 12°.

" *as* AUTHENTIC PROOFS *of his Integrity, and*
" *of his having asserted nothing for which he had*
" *not sufficient Vouchers.——When we look into the*
" *Histories of* Matthew Paris, Platina, Panvi-
" nius, *and* Baronius, *and find what is there re-*
" *corded of some Popes; Father* Paul, *whom Car-*
" *dinal* Pallavicino *treats as an Impostor, and one*
" *who professedly vilifies all Popes, will be allow'd*
" *to express himself with great Modesty of some of*
" *'em, and particularly of* Innocent IV. *who is*
" *described by all Writers antient and modern, as*
" *a roaring Lion, whose only Endeavour was to de-*
" *vour all the Benefices that came within his reach.*
" *And when we read that* Thomas Aquinas,
" *Cardinal* Cajetan *his Commentator, with many*
" *other great Divines and Lawyers, determine so*
" *very clearly, that the Pope is not the Proprie-*
" *tor of the Temporalities of the Church, but only*
" *the principal Disposer of 'em; Father* Paul *must*
" *not only be allow'd not to have embrac'd this*
" *Opinion from any Motives of Hatred to the Popes,*
" *but from a Sense of it's being conformable to the*
" *Doctrine of the Fathers and the sacred Canons."*
We may add, that the Integrity and Piety which ap-
peared in all the Actions of Father Paul, *manifest-*
ly show, that he was animated in all his Writings,
by no other Principle but Truth; and that none of
them were the result of Prejudice or Resentment.
The learned Translator in question concludes his Pre-
face thus: " *Whoever reads what* Matthew Pa-
" ris *tells us of the famous* Robert *Bishop of* Lin-
" coln; *and of several Archbishops of* York, *who*
" *were*

* Vide the Notes on Chap. 35.

" *were cruelly treated by the Popes* Innocent IV.
" *and* Alexander IV. * *will find a very near Re-*
" *ſemblance betwixt the Perſecutions rais'd againſt*
" *theſe two Biſhops; and that by Pope* Paul V.
" *againſt Father* Paul, *who defended much the*
" *ſame Cauſe.*"

As the Notes of Mr. Amelot de la Houſſaye *are ſo great an Illuſtration of the Work, and have had the Approbation of all the Learned, it wou'd have been a manifeſt Injury to have depriv'd our Readers of 'em; and for that reaſon we have inſerted them all. The Tranſlator of the enſuing Treatiſe, the late* Tobias Jenkins *Eſq; whoſe Learning and Abilities are well known, having alſo added ſeveral uſeful Remarks, we have interſpers'd them with thoſe of the learned* Frenchman *abovemention'd.*

There is another Book, entitled, the Hiſtory of the Origin and Progreſs of Eccleſiaſtical Revenues, *under the fictitious name of* Jerom à Coſta. *But this Tract is now univerſally allowed to be trifling, in compariſon of that of Father* Paul; *and a very learned Lawyer ſpeaks of the former in the following Terms:* The Hiſtory of the Original and Progreſs of Eccleſiaſtical Revenues by *Jerom à Coſta* is only a repetition of all that has been ſaid in the Treatiſe of Benefices by the very learned Father *Paul*, tho' *Jerom à Coſta* wou'd have his be conſider'd as a Supplement to it. He indeed ſpeaks of the Origin of private Maſſes, and of the Privileges called the Monarchy of *Sicily*, which Father *Paul* does but juſt mention; but theſe Particulars, with ſome others which he treats of, are but little to the purpoſe: not to mention,

* Vide the Notes in Chap. 35.

that

that he often draws his Proofs from a Cartulary (Records) of ſome particular Monaſtery, from which no general Concluſion can be made. So that all who have read Father *Paul*'s Treatiſe on Beneficiary Matters, will not find any thing new or different in that of *Jerom à Coſta*, except a great deal of Confuſion: For that Work is ſo ill digeſted, that the chief Aim the Author ſeems to have had in View, was, to deſtroy the admirable Method which Father *Paul* has obſerv'd throughout.

To the preſent Edition, we have prefix'd the Life of Father Paul; *the chief motive of which was, it's not having yet appear'd to advantage in* Engliſh; *the former ones being incorrect either in the Style or Matter, or both. The Perſon who has drawn up the following Life, deſires us to aſſure the Public, that he has been as accurate as the time he could beſtow upon it would admit; and has extracted from the learned Fra.* Fulgentio *all ſuch Particulars as he judg'd moſt eſſential.*

We certainly have great Obligations to Fulgentio *for the curious, entertaining and inſtructive Life he has given of Father* Paul; *the only Fault of which (if it be not Ingratitude to make ſuch an Objection) is, that there are ſome Repetitions, and that the Order of it is not quite perfect. Mr.* Bayle *in Remark* D, *citation* 33, *of the Article* ANCILLON (David) *expreſſes a great eſteem for this Life by Fra.* Fulgentio, *he calling him* the accurate and faithful Writer of Father *Paul*'s Life. *An ingenious* French *Writer obſerves, that* "*if Father* "Paul *has left ſome Reputation, by his excellent* "*Writings,*

" *Writings, Fra.* Fulgentio *deſerves a proportionable*
" *Eſteem, for the Deſcription he gives of one of the*
" *greateſt Minds; and for the particulars he re-*
" *lates of one of the moſt illuſtrious Perſonages that*
" *are to be found in Hiſtory . . . . Thoſe who knew*
" *Father* Paul *and Fra.* Fulgentio, *are ſenſible that*
" *the Sanctity of the Friendſhip which united them,*
" *formed one of the greateſt Pleaſures of their inno-*
" *cent Lives; that Fra.* Paolo *did not conceal a*
" *ſingle Thought from* Fulgentio; *and that Fra.*
" Fulgentio, *in the deference he had for Father*
" Paul, *knew the great Eſteem which his Actions*
" *juſtly merited. This Friendſhip had made ſo deep*
" *an Impreſſion on the former, that he could never*
" *be prevail'd with to diſguiſe the Truth; tho' he*
" *was a Member of a religious Community, and*
" *liv'd in a Country where Error and Superſtition*
" *have, for ſeveral Centuries, baniſh'd Truth.*"

'Tis pity Mr. Bayle *did not draw up that Life as he had promis'd; for then Father* Paul *would have appear'd in all the Luſtre which his great Talents ſo juſtly merit.* Amelot de la Houſſaye, *in the Preface abovemention'd, ſays,* Father *Paul* having had three Cardinals, of the greateſt character for Learning, his Adverſaries during his Life, and a fourth after his Death; he nevertheleſs had the honour to be acknowledged the beſt Writer of his Age: and if I miſtake not, as well as many others, this Treatiſe (*the Hiſtory of Eccleſiaſtical Benefices and Revenues*) will not contradict this Opinion.

The anonymous French *Writer, whom I quoted above, ſpeaking of Fra.* Fulgentio's *Life of Father* Paul,

Paul, *says*, After the sacred Writings, very few Books present us with the Picture of a Life that approaches nearer to Perfection; and consequently no Book ought to be more familiar to us, since it may serve as a Guide on a multitude of Occasions. The Character of the Person who is represented in it, exhibits so much Learning, Piety, Humility, Charity and Fidelity towards God, towards his Country, and towards every Individual; that these Particulars wou'd appear almost a Fable, had they happen'd in Ages very remote from us. But as they were transacted not much above a Century ago; and are written by an Author of unquestion'd Veracity; we may believe that he did not exaggerate in speaking of the Virtues of his Hero, nor employ Artifice to cover his Defects. Were we allowed to make a Comparison between this excellent Man and those Heathens whose Virtues have been so highly applauded, we might affirm that *Socrates*, *Cato* and *Phocion*, and all the Sages of Antiquity put together, did not exhibit so much Virtue. . . . I am afraid that some Persons will be offended at seeing so many Intrigues discover'd in this Work, as well as Examples of Avarice and Ambition, in Persons who, by their Profession, ought to have led exemplary Lives; however, this can displease none but wicked Men and Hypocrites: and 'tis necessary that the World be inform'd of Things, which they would have buried in everlasting Silence. . . . It may be further observed, that we should always prefer to unjust Prejudices and Passions, the representing of Truth in her

her genuine Colours, in order to juſtify the excellent Father *Paul*; and to ſhew, that he was a faithful Citizen, notwithſtanding all the Calumnies and Impoſtures of thoſe who repreſent his moſt innocent Actions and moſt uncorrupt Opinions, as Crimes and Errors. In a word, if any one is diſpleas'd at reading his Life, his reſentment proves the Reproaches of his Conſcience; and if he cannot ſuffer Virtue to be applauded, and Vice to be deteſted, he ought not to accuſe any one but himſelf. Juſtice obliges us to give the requiſite Elogiums to the Merit and Innocence of Father *Paul*; as the Cabals and evil Arts which are here taken notice of, deſerve eternal Infamy.... Kings, Republicks and Miniſters of State; in a word, Perſons of all Conditions, will here meet with Maxims, of advantage to the Reformation of Manners, conformable to Religion and diſintereſted Morality; and ſuch as may prompt 'em to confine their Thoughts within the bounds of Reaſon and Equity. 'Tis ſcarce poſſible for any Perſon who reads this Life attentively, and without prepoſſeſſion, not to make ſome Improvements both in Knowledge and Goodneſs. The horror of the Vices repreſented in it, will naturally excite our abhorrence of 'em; as the Virtues diſplay'd in it will charm, and prompt us to Imitation.

And in another place: " *The Learning that* " *ſhines with ſo much Luſtre in all Father* Paul's " *Works; that Strength of Mind and Judgment* " *which ſurpriz'd all who had the happineſs to* " *know him, and enjoy the Pleaſures of his Con-*

" *verſation;*

" *verſation; are infallible Proofs of the Truth of* " *the Incidents related concerning Him, by Fra.* " Fulgentio. . . . *The Life of Father* Paul *muſt* " *therefore be very acceptable to all whoſe Taſte is* " *exquiſite enough to judge of its Excellencies. I* " *need not mention the many examples of chriſtian* " *and moral Virtues which are there ſet forth,* " *or the exalted and heroic Acts of a Man, who* " *from his Youth, having ſpent his whole Life in* " *a Retirement, where Ignorance and Corruption* " *ſeem to have eſtabliſh'd their Reign, ſhould* " *naturally have contracted the very oppoſite Qua-* " *lities.*"

To conclude: As we have ſpar'd no Pains for the Improvement of this third Edition, we hope that it will meet with a favourable Reception from the Public.

UNIVERSITY OF PRINCETON THEOLOGICAL SEMINARY

CONTENTS

OF THE

CHAPTERS.

CHAP. I. *page* 1.

1. JESUS CHRIST teacheth his Church the Manner of poſſeſſing and adminiſtring her Temporals. 2. *Judas* his Abuſe of the Alms he had to diſtribute. 3. He ſells his Maſter, and after inflicts his own Puniſhment on himſelf.

CHAP. II. *page* 3.

1. The Goods in common in the Church of *Jeruſalem*. 2. The perfect Diſintereſtedneſs of the firſt Chriſtians, 3. The firſt Change which happened in the Government of this Church. 4. The *Sunday* Offerings.

CHAP. III. *page* 5.

1. The Apoſtles diſcharge themſelves of the Charge of diſtributing the Alms. 2. Inſtitute other Officers called Deacons, who take upon them the Charge. 3. The Miniſters of the Church choſen by all the Aſſembly of the Faithful. 4. Maintained out of the ſame Alms with the Poor. 5. The rich Churches ſent Alms among the poor ones. 6. The Riches of the Church of *Rome*. 7. A Temptation to the Avarice of the Emperors. 8. St. *Laurence* prevents *Decius*. 9. The Church perſecuted for her Riches.

CHAP. IV. *page* 8.

1. The Miniſters of the Church ceaſe to live in common. 2. And to be the Diſtributers of the Alms. 3. GOD puniſheth them with a great Perſecution. 4. Why the Church

in its Infancy had no immoveable Eſtates. 5. *Licinius* permits her firſt a Faculty of acquiring.

CHAP. V. *page* 11.

1. At firſt the Goods that were given to the Church, were not dedicated to any particular Service. 2. Immunities granted to the Eccleſiaſticks. 3. Why Princes grant no more.

CHAP. VI. *page* 13.

1. The Eccleſiaſticks become too greedy in acquiring Eſtates. 2. Their Avarice reſtrained by Princes. 3. Widows forbid to give or bequeath immoveable Eſtates to the Churchmen. 4. St. *Auguſtin* diſapproves Gifts made to the Church in prejudice of the legal Heirs. 5. Wiſheth that the Eccleſiaſticks had no other Eſtates than the Tenths. 6. The Riches of the Churches of *Antioch* and *Jeruſalem*.

CHAP. VII. *page* 17.

1. The Biſhops of the Weſt begin to abuſe the Goods of the Church. 2. Diviſion of theſe Goods into four Parts. 3. Falſly attributed to Pope *Silveſter*. 4. The Revenues were divided, but not the Eſtates or Funds which yielded them. 5. Biſhops were ordained by their Metropolitan, in preſence of the Biſhops of the Province. 6. They could not ordain any Prieſt, without the Agreement of the People. 7. Nor chuſe a Succeſſor, without the like Conſent.

CHAP. VIII. *page* 21.

1. The Original and Progreſs of Monachiſm. 2. The Monks were no more than Laymen. 3. The Churchmen no longer in the Peopleſs favour, when they ceaſed to live in common. 4. The good Uſe made by the Monks of the People's Alms. 5. They choſe their own Abbots.

CHAP. IX. *page* 24.

1. Biſhopricks ſollicited and ſought for. 2. Princes begin to meddle in Elections of Biſhops, for Reaſons of State. 3. The Emperor's Confirmation neceſſary to the Conſecration of the Pope and Biſhops. 4. The Kings of *France* become abſolute Collators of all the Biſhopricks. 5. The Biſhops exclude the People from the Election of Prieſts, Deacons, and other Miniſters of the Church. 6. The Biſhops becoming Civil, Judges neglect to teach the Doctrine of CHRIST. 7. And in ſome places defraud the Fabrick of the Church, and the Poor, of their Shares. 8. Every Ec-

cle-

cleſiaſtick begins to have his ſeparate Share. 9. Yet the Eſtates and Funds continue united, and managed ſtill by the Deacons and Sub-deacons. 10. The Church Eſtates called Patrimonies. 11. Every Church called her Patrimony by the Name of her Patron. 12. The Church Eſtates paid Tribute to the Prince.

CHAP. X. *page* 32.

1. The Cathedral an Acknowledgment paid by the Curates to the Biſhops. 2. The Eſtates and Funds divided. 3. After the Diviſion called Benefices. 4. In *France* the Majors of the Palace aſſume the Right of chuſing the Abbots. 5. The Monks withdraw from the Juriſdiction of the Biſhops.

CHAP. XI. *page* 35.

1. The Biſhops and Abbots of *France* poſſeſs themſelves of all the Eccleſiaſtical Eſtates, to equip themſelves for the Wars. 2. The Original of Tythes. 3. Pretenſions and Claims of Curates.

CHAP. XII. *page* 38.

1. In *Italy* no Prieſt was ordained without ſome particular Miniſtry in the Church aſſigned him. 2. The Original of Cardinals. 3. At firſt inferior to Biſhops. 4. *Innocent* IV. the firſt Pope who diſtinguiſhed them by any Marks of Honour.

CHAP. XIII. *page* 42.

1. Eccleſiaſticks without Office or Benefice. 2. The Biſhops who ordained them obliged to maintain them. 3. The Cauſe of the Increaſe of theſe Eccleſiaſticks. 4. The People's Reſpect leſſened towards the Church.

CHAP. XIV. *page* 44.

1. Titular Biſhops. 2. The Pope always aſſigns them ſome Benefices. 3. Whether the Pope can ordain Biſhops without any Title, true or falſe. 4. The Abuſe of Non-reſidence ſprung from ordaining without Title or Office.

CHAP. XV. *page* 46.

1. The Eccleſiaſtical Reformation wrought by *Charlemaign*. 2. Ill obſerved after his Death. 3. The Pope did not act as ſuch till he received the Emperor's Confirmation. 4. *Nicholas* II. ordained the contrary. 5. The Pope doth not

date from the first year of his Pontificate, until he be crowned. 6. Whether the Pope have the Pontifical Authority before his Consecration. 7. Whether there ought to be reckoned ten *Stephens* for Popes, or only nine.

CHAP. XVI. *page* 52.

1. The first Government of the Church was democratical. 2. The Provincial Synods were held twice every Year. 3. The Church Consistory, which was held every Day. 4. The Episcopal Consistory composed of Canons of every Cathedral Church.

CHAP. XVII. *page* 55.

1. The Bishops employed by the Princes in State-Affairs, and in Civil Government. 2. From whence hath proceeded the Ecclesiastical Jurisdiction.

CHAP. XVIII. *page* 56.

1. The Ecclesiastical Statutes of *Charlemaign* neglected. 2. The Pope and the other Bishops of *Italy* take care to get themselves confirmed by the Emperor. 3. The Papacy is a Benefice [with a Witness.] 4. Formerly all Bishops were called Popes and *Summi Pontifices*. 5. *Gregory* VII. took from the Bishops the Name of Pope.

CHAP. XIX. *page* 59.

1. The Invention of the Contract called *Precaria* in *France* increased excessively the Temporals of the Churches. 5. Detestable Popes. 3. Prophane Bishops. 4. Canons and Laws of the Church sacrificed to Avarice.

CHAP. XX. *page* 65.

1. The Excommunications employed by the Bishops to defend or recover their Temporals. 2. Terribly apprehended by those guilty of the most enormous Crimes. 3. Numbers of People make themselves Feudatories of the Church, to defend their Estates from the Rapaciousness of the great Men.

CHAP. XXI. *page* 66.

1. Whether the Ecclesiastical Goods be possessed by divine or human Right. 2. Whether the Tythes be of divine Right. 3. Whether the Tenth of Labour, Trade, *&c.* be due from Seculars to the Ecclesiasticks. 4. Whether Benefices be

be of divine Right, or positive. 5. Who is the Proprietor of the Ecclesiastical Goods, the Pope, or the Church.

CHAP. XXII. *page* 79.

1. The frequent Changes of the Princes in *Italy*, the Cause of great Disorders in the Affairs of the Church. 2. Pope *John* XII. deposed by the Emperor. 3. The People of *Rome* give up their Right of creating the Pope. 4. Divers Popes chosen tumultuously. 5. The three *Otho's*, Emperors, gave the Investitures of the Bishopricks and Abbies. 6. Their Successors nominated also to the other Benefices. 7. The People of *Rome* recover again for a time the Election of the Popes. 8. The Emperor *Henry* III. chaseth three Popes away, who reigned together, and depriveth the People of the Power of chusing another. 9. An Artifice of a Pope to bring back the Election to the *Romans*. 10. The same Emperor maintains his Right all along.

CHAP. XXIII. *page* 86.

1. This Right is weakened by a Constitution of *Nicholas* II. 2. The Emperor *Henry* IV. refuseth to confirm a Pope chosen by the People of *Rome*. 3. Is cited to *Rome* on an Accusation of Simony. 4. *Gregory* IV. forbids him to name any more to the Bishopricks or Abbies. 5. The War betwixt them. 6. *Robert* King of *Sicily* declares for the Pope. 7. The Original of the Right called the Monarch of *Sicily*. 8. *Henry* IV. Emperor, deprived of the Empire by his own Son. 9. *Paschal* II. refuseth to crown *Henry* V. if he renounce not the Investitures. 10. *Henry* makes the Pope Prisoner. 11. The Agreement betwixt them of short continuance. 12. *Henry* excommunicated by three Popes. 13. Renounceth the Investitures. 14. The Judgments made upon this Renunciation.

CHAP. XXIV. *page* 98.

1. The King of *France* constantly preserveth the Right of nominating to Bishopricks. 2. The King of *England* maintaineth the same Right against the Archbishop of *Canterbury*. 3. The Pope at length remaineth Master of the Nominations to all the Benefices of this Kingdom. 4. St. *Bernard* prevails with the Emperor *Lotharius* to desist from his Demand of the Investitures. 5. The Regale keeps its ground in *France* in spite of the Popes. 6. The Popes employ Writers to prove, that the Collations of which Princes are pos-

ſeſſed, are Conceſſions from the Holy See. 7. A Fault in Princes not to oppoſe them. 8. *Boniface* VIII. trieth to make the King of *France* renounce the Regale. 9. The Pretenſions of the Popes to a Power of revoking the Conceſſions of their Predeceſſors. 10. The Means whereby the Popes eluded the King's Nominations to Benefices. 11. The Prudence of the King of *Spain*, in not coming to Extremities with the Popes. 12. The Chapters chuſe their Biſhops, and the Monks their Abbots.

CHAP. XXV. *page* 107.

1. The Uſurpations of ſeveral Biſhops upon the Temporals of Princes. 2. Many Secular Eſtates become Eccleſiaſtick.

CHAP. XXVI. *page* 108.

1. The Monks loſe the Veneration of the People, by intruding themſelves into the Affairs of State and War.

CHAP. XXVII. *page* 109.

1. The Croiſades. 2. The Popes and Biſhops make uſe of them to encreaſe their Temporals. 3. The Military Orders.

CHAP. XXVIII. *pag* 113.

1. Perſonal Tythes exacted by the Eccleſiaſticks. 2. Bulls of the Popes *Alexander* II. *Alexander* III. and *Celeſtine* III. concerning Tythes. 3. The Canoniſts outdo all the Pretenſions of the Bulls. 4. Difference betwixt the Curates and their Pariſhioners. 5. The Bull of *Innocent* III. to reconcile them.

CHAP. XXIX. *page* 116.

1. Gifts of publick Sinners and infamous Perſons received by the Churchmen, in ſpight of all the Prohibitions made by the Canons. 2. The ſeditious Doctrine of *Baronius* againſt the Princes. 3. The beſt Popes have been made by the Princes.

CHAP. XXX. *page* 118.

1. The Eccleſiaſticks have done themſelves wrong, in making Princes be deprived of the Right of Inveſtitures. 2. The Pope diſpoſed of no more Benefices than what belonged to the Dioceſs of *Rome*. 3. The Complaiſance of the Biſhops for his Recommendations makes him become Maſter of moſt of the Collations of the other Benefices. 4. The Dioceſſes filled with foreign Clergy. 5. The Popes take

upon them to dispense the Canons with a *Non-obstante*. 6. These Abuses detested by St. *Bernard*. 7. Expectatives granted and revoked by the Popes, to squeeze more Money out of those who obtained them. 8. An Invention whereby they drew to themselves the Collation of the Bishopricks and Abbies.

CHAP. XXXI. *page* 126.

1. The Court of *Rome* concerns itself with the Elections made by the Chapters and the Monasteries. 2. *Gregory* IX. makes a Pontifical Code called the Decretals. 3. The Popes have since made Regulations, which carry the Pontifical Authority yet much higher.

CHAP. XXXII. *page* 128.

1. The great Concourse of Ecclesiasticks to *Rome*, introduceth the Abuse of not residing. 2. *Alexander* III. commands Residence to Beneficiaries who have Cures of Souls. 3. In the Primitive Church all Benefices obliged to Residence. 4. The evasive Interpretation of *Beneficium datur propter Officium*. Pope *Honorius* III. exempts from Residence all who are in the Pope's Service. 6. The Abuse of perpetual Vicaridges.

CHAP. XXXIII. *page* 133.

1. The Distinction betwixt Benefices compatible and incompatible. 2. What are declared by the Canonists to be Necessaries for the Subsistence of the Beneficiaries. 3. What to one who is a Gentleman. 4. To a Bishop. 5. To a Cardinal. 6. *John* XXII. applies a deceitful Remedy to the Plurality of Benefices. 7. Whether the Dispensations of the Popes obtained without lawful Cause, be valid before GOD.

CHAP. XXXIV. *page* 139.

1. The Union, its Original. 2. Its Abuse.

CHAP. XXXV. *page* 141.

1. The *Commendam*, its Original. 2. The Pope limits the Continuance of it to six Months, without subjecting himself to the Rule. 3. At length gives a loose, and confers *Commendams* for Life. 4. The Canons evaded by the *Commendams*. 5. The Eastern Church hath not suffered the Popes to gain ground upon the Benefices. 6. The Eastern Church hath often brought it into dispute, whether the

Pope have a Right to diſpoſe the Benefices of other Dioceſſes. 7. The Clergy of *England* oppoſe theſe Nominations. 8. The Chapter of *Lyons* raiſeth the City againſt *Innocent* IV. who would have given ſome Canonries to his Kindred. 9. The Biſhop of *Lincoln* makes Head againſt this Pope. 10. Appears to him after his Death. 11. The Archbiſhop of York oppoſes *Alexander* IV. with the ſame Conſtancy. 12. *Clement* IV. makes a Bull which tends to the Uſurpation of all the Collations of Benefices in Chriſtendom. 13. St. *Lewis* King of *France*, in oppoſition, publiſheth his excellent Pragmatick. 14. His Death, and the Intereſt of the Houſe of *Anjou* hinders the Execution of this Ordinance. 15. *Boniface* VIII. inſerteth the Bull of *Clement* into the Decretals. 16. *Clement* V. purſuant to this Bull, pretends the Pope is abſolute Proprietor of all the Benefices. 17. The Canoniſts hold this Doctrine for an Article of Faith. 18. And endeavour to prove that the Chapters have receiv'd the Right of Election, and the Biſhops that of conferring the Benefices of their Dioceſſes, both from the Pope. 19. *Anſelm* Biſhop of *Lucca* contradicts them in expreſs Terms. 20. There is reaſon to ſay, that the Popes ſince *Gregory* VII. have put the Churches into Servitude.

CHAP. XXXVI. *page* 160.

1. The Prohibition to alienate the Goods of the Church directly contrary to the Uſage of the Primitive Church. 2. Temporal Riches have taught the Biſhops to waſte and diſſipate, inſtead of diſpenſing as they ought. 3. *Leon*, Emperor of *Conſtantinople*, forbids the Church to alienate. 4. A *Præfectus Prætorio* forbids the ſame to the Church of *Rome*. 5. The Pope *Simmacus* ſaith, that Seculars have no Right to ordain any thing in the Churches. 6. *Juſtinian* the Emperor permits the Goods of the Church to be alienated for Relief of the Poor, and Redemption of Chriſtian Slaves. 7. In former times the Temporals of the Church were in the firſt place employ'd in Uſe of the Publick. 8. At this day it is not permitted to the Churches to alienate but for an evident Advantage, 9. Thus the Poor have no more to hope from the Churchmen.

CHAP. XXXVII. *page* 167.

1. The Reſervations. 2. Reſtrained by *Gregory* X. 3. A little enlarged by *Clement* V. 4. The deceitful Bull of *John* XXII. 5. His Skill in multiplying the Proviſions of Benefices.

CHAP.

CHAP. XXXVIII. *page* 170.

1. The Annates. 2. Whether it is permitted to Princes to receive by way of Acknowledgement a part out of the Benefices, which they conferr'd. 3. The Annates prejudicial to Princes, and burthenſome to private Perſons. 4. Cenſured by good Men as ſimoniacal. 5. Defended by others. 6. Whether the Pope can be guilty of Simony in the Collation of Benefices. 7. The immenſe Treaſure of Pope *John* XXII. 8. The *Quindennium*, a Duty laid by *Paul* II. 9. Enlarged by *Paul* IV. and *Sixtus* V. 10. Reſervations made by *Benedict* XII. for his Life only. 11. Continued by *Clement* VI. 12. The King of *England* oppoſeth the Reſervations and the Expectatives. 13. *Innocent* VI. revoketh them all. 14. The great Abuſe of the *Indices Expurgatoriæ*. 15. The Reſervations aboliſh'd by *Gregory* XI. at the Requeſt of the King of *England*. 16. Two *Roman* Courts, both of them ſet Benefices to Sale. 17. *Urban* VI. diſcovers a ſecret Intereſt, which all his Predeceſſors had carefully conceal'd. 18. Benefices given to the beſt Bidder.

CHAP. XXXIX. *page* 184.

1. Violent Exactions by the two Courts of *Rome*. 2. *Germany* admits neither Reſervations, nor Expectatives. 3. A Legate ſent into *Germany* to compound with the Beneficiaries provided by the Biſhops. 4. Oppoſed by the Emperor. 5. Three Popes at one time. 6. *John* XXIII. recovereth the Collation of Benefices in *France*. 7. Loſeth it in the State of *Florence*. 8. The Pope's Bulls fill'd with inextricable Clauſes to eternize the Proceſs and multiply the Annates. 9. As Princes reform'd the Abuſes of the Court of *Rome*, that Court brought forth others, by which ſhe gains more than ſhe loſt.

CHAP. XL. *page* 189.

1. The Reſignations, their Original. 2. Their Abuſe. 3. In which the Court of *Rome* finds its Account.

CHAP. XLI. *page* 192.

1. The Indulgencies. The Sale of them the cauſe of the Schiſm in *Germany*. 2. The Bull of *Pius* V. againſt this Abuſe.

CHAP.

CHAP. XLII. *page* 194.

1. The religious Mendicants are allow'd to acquire Eſtates. 2. *France* oppoſeth. 3. The Schiſm extinguiſh'd by the Depoſition of the three Popes, who reign'd together. 4. *Martin* V. their Succeſſor refers the Reformation of the grinding Taxes upon Benefices to the Council of *Pavia*. 5. *France* will not own him but on condition that the Reſervations and the Expectatives be aboliſh'd. 6. The Parliament of *Paris* twice declareth againſt the Pope's Proceedings.

CHAP. XLIII. *page* 197.

1. The opening and cloſing the Council of *Pavia*. 2. The Council of *Baſil* at length aboliſheth the Reſervations, the Expectatives, and the Annates. 3. *Eugene* IV. diſſolv'd this Council, and the Council choſe another Pope. 4. *France* and *Germany* receive its Decrees. The Pragmatick Sanction publiſh'd in *France*.

CHAP. XLIV. *page* 199.

1. Mental Reſervations introduced in *Italy*. 2. And then aboliſh'd. 3. Great Abuſe of the Reſignations *in favorem*.

CHAP. XLV. *page* 201.

1. The Regreſs and the Acceſs. The Original and Abuſe of them. 2. The Pope alone grants the Faculty of Regreſs and Acceſs. 3. The Parliament of *Paris* admits neither the one nor the other.

CHAP. XLVI. *page* 204.

1. The Coadjutorſhip, its Original. 2. Its Abuſe. 3. The Concordate betwixt *Nicolas* V. and the Emperor *Frederick* III. 4. Ill obſerv'd in *Germany*. 5. The Jeſuits oblige the Beneficiaries to obſerve it. 6. The Elections or Collations, which derogate from this Concordat, are annull'd at *Rome*.

CHAP. XLVII. *page* 210.

1. The Pragmatick conteſted by Pope *Pius* II. 2. Revok'd by King *Lewis* XI. 3. Re-eſtabliſh'd three Years after. 4. Attack'd by four other Popes.

CHAP. XLVIII. *page* 211.

1. The Concordat of *Francis* I. with *Leo* X. 2. The Univerſity of *Paris* makes oppoſition. 3. Why the Popes have got

got the Pragmatick to be aboliſh'd. 4. Suſpenſion of the Concordat under *Henry* II. 5. The Concordat reform'd by the Eſtates of *Orleans*. 6. *Charles* IX. ſuſpends the Execution of this Reformation in favour of the Pope.

CHAP. XLIX. *page* 215.

1. A Reformation made by the Council of *Trent* concerning Benefices. 2. The Council decides not the Queſtion about Reſidence, for fear of wounding the Authority of the Pope. 3. And is ſilent as to the Reſervations.

CHAP. L. *page* 220.

1. The Penſion, its Original. 2. Its Conveniences, or rather its Abuſes. 3. Whether it is Simony to extinguiſh a Penſion charg'd on a Benefice, by taking a Sum of Money agreed upon. 4. The Decree of the Council of *Trent*, that no more Monaſteries ſhould be put in *Commendam*, hath not been obſerv'd. 5. The Pope by means of the Reſervations has become Maſter of almoſt all the Benefices of *Italy*. 6. The Popes have taken care to tye the Hands of the Biſhops. 7. The Bull of Pope *Pius* V. which forbids the Collators to confer any Benefices reſign'd, to Kindred, Allies, or Domeſticks of the Reſigners.

CHAP. LI. *page* 229.

1. The Doctrine of the Canoniſts, which ſerves to encourage and promote Simony. 2. The Popes have preſerv'd the Biſhops from the Contagion of Simony, but have not been able to defend themſelves from it. 3. Of which the Flatterers are the Cauſe. 4. Every Church is Proprietor or Owner of the Goods which ſhe poſſeſſeth. 5. The Canoniſts have alter'd all the antient Policy of the Church, in aſſerting the Pope to be the ſole Proprietor of all Benefices. 6. According to *Navarre*, the Pope cannot change Teſtamentary Diſpoſitions without a lawful Cauſe. 7. How he interpreteth the Propoſition of the Canoniſts, that the Will of the Pope is in place of Reaſon in Beneficiary Matters. 8. The Senſe which he puts upon the Bull of *Clement* V. 9. The Opinion of the Canoniſts gratifies all ſuch as thirſt after many Benefices. 10. Impoſſible to reconcile it with Reaſon, and leſs with Divinity.

CHAP. LII. *page* 236.

1. If the Pope have ſuch abſolute Power, from whence doth he derive it? 2. Why have his Predeceſſors for more than

1000 Years made no use of it? 3. If the Papal Authority be unlimited, why have the Popes limited it by Concordats and other Transactions with Princes?

A Question relative to Chap. 21. containing the Sentiments of the Fathers and Doctors, upon the right use, which the Beneficiaries ought to make of the Fruits and Revenues of their Benefices. The Point in question is to know, Whether the Beneficiaries have really the Usufruct, or only the Dispensations? Navarre, *tho' a Canonist, maintains, that they are meerly the Dispensers. The Cardinal* Cajetan *holds a middle Opinion.* Fra. Paolo *adds his own in conclusion.*

CHAP. LIII. *page* 248.

1. The Order of Mendicants have lost their Credit in desiring to make use of the Permission granted them by the Council of *Trent* to acquire immoveable Estates. 2. The Capuchins have preserved the Affection of the People by remaining in their Poverty. 3. The Jesuits hold a middle Course betwixt Poverty and Riches. 4. *Moses* when he had sufficient for the Tabernacle, refus'd to receive any more Gifts from the People of *Israel*. 5. The *Levites* had no other Estates but the Tenths 6. If the Clergy hold now the Place of the *Levites*, why are they not contented with the Tenths?

CHAP. LIV. *page* 252.

1. In the Primitive Church whatever the Priests left at their Death, return'd to the common Mass. 2. After the Church-Estates had been divided into Benefices, the *Spolia* of the Beneficiary, *viz.* the Goods he died possess'd of, went to the Community of the Clergy or to his Successor. 3. In several Countries the Beneficiaries could devise by Will the Fruits of their Benefices. 4. The Popes apply to the Apostolick Chamber all that the Beneficiaries leave at their Death. 5. The Extortions of the Collectors of these *Spolia*. 6. *Charles* VI. King of *France* takes the *Spolia* of the Bishops and Abbots from the Pope. 7. *Paul* III. by a Bull declareth, that the *Spolia* of all the Beneficiaries of the World belong to the Catholick Chamber. 8. Pope *Pius* IV. carries this yet higher. 9. The Clergy of the Kingdoms of *Castile* are exempt from the Exaction of the *Spolia*. 10. Upon what this Right is founded.

THE

PRINCE... THEOLOGICAL...

THE

LIFE

OF

FATHER *PAUL*;

With some Account of his WRITINGS.

By Mr. *LOCKMAN.*

Extracted chiefly from *Fra. Fulgentio.*

IF the Actions of Men, who were eminently distinguish'd for their Virtue and Learning, deserve to be transmitted to future Times, as well for the Imitation of others, as in Justice to their Memory; it may be affirm'd, that no one deserves this Tribute more than the Person, whose Life we here present the Reader with; he having been the Delight and Ornament of the last Age, and will doubtless be the Admiration of latest Posterity.

Father

Father *Paul* was born in *Venice* the 14th of *Auguſt*, 1552, of *Francis Sarpi*, a Merchant, whoſe Anceſtors came from *Friuli*; and of *Iſabella Morelli*, a Native of *Venice*. He was baptiz'd by the Name of *Peter*; and his Father dying, *Ambroſio Morelli* his Uncle, Prieſt of the Collegiate Church of St. *Hermagoras*, took him, and a little Siſter of his, from under the Care of their Mother, who retir'd into a Convent.

This *Ambroſio* was very well skill'd in polite Literature, in which he taught ſeveral Children of the noble *Venetians*. He took particular Care of the Education of his little Nephew, whoſe Genius was ſo happy, tho' his Conſtitution was very delicate, that he ſoon made great Advances both in Logic and Philoſophy. *Peter* was very ſerious from his Infancy, inſomuch that he took very little delight in thoſe Paſtimes, which are the uſual Amuſements of Youth; and was no leſs remarkable for his great Abſtinence. His Uncle obſerving that he poſſeſs'd two Qualities, which are rarely united in the ſame Perſon, a prodigious Memory, and a great Strength of Judgment, he us'd his utmoſt Endeavours to cultivate 'em both. He afterwards made a ſurprizing Proficiency in Philoſophy and Divinity, under *Gio. Maria Capella*, a Father belonging to the Monaſtery of the * *Servites*

* An Order of Religious, who follow St. *Auſtin*'s Rule, and are devoted to the Service of the Virgin *Mary* (and from thence call'd *Servi*, or Servants.) 'Twas founded by ſeven Merchants of *Florence*, who about 1233, retir'd to Mount *Senario*, where

vites in *Venice*; and he alſo apply'd himſelf, when but in his tender years, to the Mathematicks, and the Study of the *Greek* and *Hebrew* Tongues.

By his frequent Converſation with Father *Capella*, or by ſome other means, *Peter* was prompted to aſſume the religious Habit of the *Servites*, notwithſtanding the Oppoſition made by his Mother, and his Uncle, who intended him for a Prieſt of his Church; ſo that he enter'd into the Order above-mention'd the 24th of *November*, 1566, at fourteen Years of Age: the Day after which, he diſputed on occaſion of an Anniverſary ſolemniz'd at that time, and eclips'd all who reaſon'd with him.

Being in his twentieth Year, he was appointed to defend, in a publick Aſſembly in *Mantua*, three hundred and eighteen * of the moſt difficult Propoſitions in Divinity and Natural Philoſophy; on which Occaſion he gave ſo extraordinary a Proof of his Abilities, that the very learned Prince, and great Encourager of Arts, *William* Duke of *Mantua*, had a particular Affection for him, and accordingly made him his Chaplain; and at the ſame time the Biſhop of *Mantua* appointed him Divinity-Reader, in his Cathedral. He ac-

where they eſtabliſh'd a Community. The Name of one of theſe Merchants was *Bonfilio Monaldi*, who was more immediately the Founder of this Order, which became much more famous in the World, after Father *Paul* had acquir'd his great Reputation.

* An Epitomizer of F. *Paul's* Life, makes theſe but one hundred and eighteen Propoſitions, which is an Error. *Vide* Father's *Paul's* Life, p. iii. prefixed to his *Rights of Sovereigns*.

quitted

quitted himſelf ſo well in this Employment, that every one uſed to ſay, they muſt never expect to find a ſecond Friar *Paul*. He afterwards improv'd himſelf in the *Hebrew*, and applied himſelf with ſo much Vigour to the Study of Hiſtory, that it may be juſtly affirm'd no man ever ſurpaſſed him in it; which was owing to his great Memory, and to his ſtrong and continual Meditation on every thing he read, in which Exerciſe he would frequently paſs the whole Night.

During his ſtay at *Mantua*, he contracted a Familiarity with ſeveral eminent Perſons, and particularly with *Camillo Olivo*, whom we ſhall mention hereafter, Secretary to one of the Legates in the Council of *Trent*. He alſo was very intimate with, and had a great Friendſhip for, *Girolamo Bernero*, Father Inquiſitor, a Dominican, and who afterwards was made Cardinal *d'Aſcoli* by Pope *Sixtus* V.

He was viſited by all Perſons of Learning and Diſtinction, who came to the laſt mentioned City; the Fame of his great Talents, tho' he was ſo young, being ſpread far and near. Duke *William* would oblige Friar *Paul*, as being his Chaplain, to diſpute with Perſons of all Profeſſions, and on all Subjects; and on theſe occaſions he never fail'd to charm thoſe who heard him.

He had a profound Knowledge in the Mathematicks, but had the utmoſt Contempt for judiciary Aſtrology, he ſaying, *il futuro, ò non ſi può ſapere, ò non ſi può ſchiffare*; i. e. "We "either cannot find out, or cannot avoid, Fu-

"turity."

" turity." *Fulgentio* tells us a pleasant Story to this purpose. Duke *William*, who us'd to intermix light Amusements with the weighty Affairs of Government, having a Mare that was ready to fole a Mule, he oblig'd Friar *Paul* to set up a whole Night; and, with his Instruments, to take the Horoscope of the Animal's Nativity. This being done, and the Scheme settled, the Duke sent it to all the famous Astrologers in *Europe*, with the following Inscription; that under such an Aspect, a Bastard was born in the Duke's Palace. The Astrologers, as may be supposed, sent very different Judgments; some assuring that this Bastard wou'd be a Cardinal; others a great Warrior; some that he would be a Bishop; whilst others declar'd that he wou'd be Pope: all which, as the Reader will imagine, gave the Duke no little Diversion for some time.

Friar *Paul* being now weary of a Court-Life, which no way suited his Inclinations (tho' Reports were then spread that it was upon a different account) and being at the same time strongly importun'd by his Superiors, who were in great want of the Services of so eminent a Man; he left *Mantua*, and return'd to his Convent in *Venice*, he being then not quite two and twenty.

By this time Friar *Paul*, besides the Acquisitions abovemention'd, had made a surprizing Progress in the Canon and Civil Law, in all parts of Physic, and in the *Chaldee* Language; but the Circumstance that crown'd the whole, was, the uncommon Regularity and Sanctity of his Life, which made so great an impression on the

reſt of his Brethren, that whenever they happen'd to be engag'd on any Subject which did not ſo well ſuit with their Character; immediately at his coming they us'd to cry, *E quà la Spoſa, mutiamo propoſito.* "Behold the Bride, let us change our Diſcourſe."

Being twenty two Years of Age, he took Prieſt's Orders, and went to *Milan* at the time when the famous Cardinal *Borromeo* was reforming his Church. This Cardinal, tho' he entertain'd a very unfavourable Opinion of Monks in general, he yet deſir'd Friar *Paul* to hear Confeſſions in that City; had a great Eſteem for him, and delighted in his Converſation. I ſhould have obſerved, that ſome time before Father *Paul* left *Mantua*, one *Claudio*, envying his great Talents, accus'd him before the Inquiſitors, for aſſerting that no proofs cou'd be brought with regard to the Myſtery of the Trinity, from the firſt Chapter of the Book of *Geneſis:* But the Father appealing to *Rome*, was cleared with Honour; and the Inquiſitor ſeverely reprimanded, for pretending to judge of things written in a Language he did not underſtand. About this time Father *Paul*, by the great tenderneſs of his Conſtitution; his Abſtinence and uncommon Application to Study, contracted a very ill Habit of Body, which however he ſubmitted to very chearfully; and indeed few Men have had a greater Command over their Paſſions. Being now in *Venice*, after having been admitted a Member of the famous College of *Padua*; as alſo Student, Batchelor and Maſter

ter (which is equivalent to Doctor) of Divinity; in 1679, tho' he was not of the Age appointed by the Statutes, he was unanimously, and with the highest Applause, created Provincial, or Superintendant of all the Convents, in that Province; with other Honours.

In this Employment he behaved with the most unbiass'd Integrity. In his Judgments he was inflexible, and cou'd never be prevail'd upon to accept of the most trifling Present, a Circumstance he constantly observ'd to his death. None of his Decisions were ever revers'd. He banish'd all Factions from among the Religious over whom he presided; and establish'd such excellent Rules and Orders in his Province, that had his Successors observ'd 'em, they wou'd not have been involv'd afterwards in so many Difficulties. In this Office of Provincial, which was the first he enjoy'd, he show'd how very capable he was of managing the greatest Affairs; and indeed, notwithstanding the vast variety of Transactions in which he was afterwards concern'd; there were none, how difficult and perplex'd soever, but were manag'd by him to the utmost advantage: and so renown'd was he for his Sagacity and Penetration, that every one resorted to Him as to an Oracle.

Tho' his Inflexibility might be consider'd by some as resulting from a severe Turn of Mind, he yet was naturally so compassionate, that it extended even to brute Animals. And we are told, that calling to mind the Dissections he had formerly made of living Animals, (among other

anatomical Experiments,) he blam'd himſelf very much on that account.

In 1578, a general Chapter being held at *Parma*, he was appointed, with two other Perſons who were far advanc'd in years, to draw up new Regulations and Statutes with regard to his Order. For this purpoſe he made a long ſtay in *Rome*, where his exalted Talents, introduc'd him to the Acquaintance of Cardinal *Alexander Farneſe* the Protector, and *Santa Severina* Vice-Protector of his Order. His task was, to accommodate and adjuſt the part which related to the Canons of the Church, and the Regulations made by the Council of *Trent*, which he perform'd alone, with his uſual Skill; and thereby gain'd prodigious Reputation in *Rome*.

His Employment as Provincial now ended, he retir'd for three Years, which he ſaid was the only Repoſe he had ever enjoy'd. He then applied himſelf with his uſual Intenſeneſs, not only to the Speculation, but alſo to the Practice of Phyſicks; himſelf working at the Tranſmutation of Metals, but not in the view of finding the Philoſopher's Stone, which he always ridicul'd as impoſſible. In the courſe of his Experiments, he diſcover'd a great many very uſeful Secrets, the Invention of which were nevertheleſs aſcribed to others, as we ſhall obſerve hereafter.

He alſo ſtudied Anatomy, and particularly that part of it which relates to the Eye; on which he had made ſuch excellent Obſervations, that the celebrated *Aquapendente* did not ſcruple to employ, in terms of the higheſt Applauſe, the

the Authority of Father *Paul* on that Subject, both in his Lectures and Writings. *Fulgentio* expresses his Surprize at *Aquapendente*, for not acknowledging, in his Treatise of the Eye, the singular Obligations he had to Father *Paul*, whom he declares merited all the Honour of it. He also discover'd the Valves in the Veins, but did not find out the Circulation of the Blood, as *Walæus*, *Morhof* and some others have asserted, in prejudice to our immortal Countryman Dr. *Harvey* *, who so justly merits that Honour, and which has been ascribed to him by so many Writers.

But now his great Fame would not suffer him to enjoy his Retreat any longer, he being appointed Procurator-General of his Order; an Employment that requir'd a Man of profound Abilities. During his three Years abode in *Rome*, he discover'd such great Talents in transacting the Affairs of his Order, that, by the Pope's command, he assisted in several Congregations, where Matters of the greatest Difficulty and Importance were debated.

He was very much esteem'd by *Sixtus* V. who employ'd him in very considerable Affairs; and that Pope passing one day thro' the Streets in his Litter, he stopt for some time to speak with him; whence 'twas generally reported, that Father *Paul* would be rais'd to the Purple; a Circumstance which rais'd the Envy of many.

* Among others, Sir *Thomas Pope-Blount*, in his *Censura celebriorum Authorum*, quotes some Authorities to prove that Father *Paul* first discover'd the Circulation of the Blood. The rise of this seems to be from Dr. *Harvey*'s having studied under the famous *Aquapendente* in *Padua*.

In *Rome* he contracted a great Intimacy with Father *Bellarmin*, who was afterwards Cardinal, and other eminent Perſons; but the greateſt Advantage he gain'd in that City, was, the ſtrict Friendſhip which Cardinal *Caſtagna*, (afterwards Pope *Urban* VIII.) indulg'd him. There is no doubt but the Similitude of their Diſpoſitions and Actions greatly cemented their Friendſhip; and had this Pope ſate longer in the Throne (he enjoying it but thirteen Days) we may juſtly preſume that he would not have forgot his Friend Father *Paul*.

He alſo was very intimate with one of *Ignatius Loyola*'s ten Companions, inſomuch that he us'd to ſay to the Jeſuit in queſtion, that *Ignatius Loyola* never intended to raiſe his Society to the height it afterwards attain'd; and that he was ſure, were he to return again to the World, he would not know his Succeſſors, they were ſo ſtrangely alter'd.

He was ſent from *Rome* to *Naples*, in quality of Vice-General of the Chapters, and Viſitor of the Convents. There he got acquainted with the famous *Joannes Baptiſta Porta*, who makes very honourable mention of him in his Works *.

At his quitting *Venice* to go and reſide in *Rome*, he had left his Friends under the Counſel

* He ſays, "We knew "Father *Paul* at *Venice*; and "far from being aſham'd, va- "lue ourſelves for what we "learned from a Man, than "whom we have not yet ſeen "one more learned or acute; "and who was, not only the "Ornament and Glory of "*Venice* or *Italy* but of the "whole World."

and

and Direction of *Gabrielle Colliſſoni*, with whom he had formerly join'd in the redreſſing of certain Grievances. However, this Man did not anſwer Father *Paul*'s Expectations; he being guilty of great Exactions. Father *Paul* intending to come back to *Venice*, *Colliſſoni* diſſuaded him very much from it, well knowing that his Return would put an end to his Impoſitions; and therefore he artfully repreſented to Him, that by ſtaying in *Rome*, he would not fail of making his Fortune. At laſt Father *Paul* ſent *Colliſſoni* a Letter written in Cypher, in which he employ'd ſome Expreſſions reflecting on a Court-Life; declaring at the ſame time that he himſelf had it in abomination.

After this he returned to *Venice*, and coming to an irreconcilable Rupture with *Colliſſoni*, becauſe of his corrupt Practices, the latter ſhow'd his Letter in Cypher to Cardinal *Santa Severina*, who was then at the head of the Inquiſition. The Cardinal however did not think it convenient to attack Father *Paul*; but he perſecuted him in the Perſon of his Friends, and particularly Friar *Giulio*, a Man irreproachable in his Conduct, who had always ſuccour'd Father *Paul*, and was now ſent to *Bologna*: but Father *Paul* took a Journey to the Pope's Court, purpoſely to juſtify Friar *Giulio*, and accordingly obtain'd leave for him to return to *Venice*.

Tho' he had never ſtudied Phyſiognomy, he yet would immediately devine the Genius and Inclinations of thoſe with whom he convers'd; and his Sagacity on this occaſion was ſo ſurprizing,

that ſome imagin'd he had a familiar Spirit. *Fulgentio* ſays very prettily on this Occaſion, that as an able muſical Performer knows, by the firſt Touch, whether an Inſtrument be good; ſo Father *Paul*, by ſpeaking to others, diſcover'd with ſurprizing quickneſs, their Views, Intereſt, and Genius; the Reſolutions they might take in the Affairs propos'd, and the Anſwers they wou'd make to his Objections. *Come perito ſuonatore ad un ſol tocco fa giudicio dell' Inſtromento, coſi con far parlar le perſone, con preſtezza ammirabile conoſceva i fini, gl'intereſſi, la portata, le riſolutioni ne gli affarri, le riſpoſte che dariano.* The Opportunities he had had of diſcourſing with Perſons of all Ranks, not excepting Princes; and on all kinds of Subjects, had given him a vaſt fluency of Expreſſion. So great was his Skill in Mechanicks, that Machines were ſent to him from all Parts, deſiring his Opinion of 'em; on which occaſion he wou'd preſently diſcover their Excellencies or Imperfections, as tho' he had never followed any other Study. And Signior *Alphonſo Antonini*, a Gentleman very famous for his Skill in the military Science, was very well pleas'd to take his Advice in it.

Being return'd from *Rome* to *Venice*, he reſum'd his Studies, but was again diverted from 'em ſome time after, upon his being nominated by the Pope to enquire into the Complaints brought againſt a General of the Order of the *Servites*; for this reaſon he was oblig'd to go to *Bologna*, where he ſpent ſeveral Months in

carrying on this Suit, which prov'd a very tedious one: But the General dying before it was ended, a ſtop was put to the whole, and Father *Paul* came back to *Venice*.

He now applied himſelf again to his Studies, in the Intervals of which he us'd to frequent ſuch Perſons as were moſt eminent for their Learning; and particularly *Andrea Moreſini*, at whoſe Houſe Academical Conferences were held, the Fame of which had ſpread thro' all parts of *Europe*. Father *Paul* was no leſs admired in theſe Aſſemblies than he had been in all other Places.

No Converſation gave him ſo much pleaſure as that of Travellers, of whom he uſed to aſk a thouſand Queſtions relating to the Cuſtoms, Religions, and other eſſential Particulars of the Countries they had viſited.

He coveted ſo little the good Things of this World, that he depended entirely for Clothes, *&c.* on the Liberality of Father *Giulio* above-mention'd; Father *Paul* contenting himſelf with the ſlender Subſiſtence of his Monaſtery, and not having ſo much as Books but thoſe he borrowed.

He ſpent his Life wholly in three Things; in ſerving God, in his Studies, and in converſing with his Friends. He uſed to begin his Studies, (after addreſſing himſelf to Heaven in Prayer) before Sun-riſe; and continue 'em all the Morning, thoſe Hours excepted in which he was called to the publick Devotions. The Afternoons he always paſs'd either in philoſophical and mechanical Experiments, or in Conferences

ces with his learned Acquaintance; and beſides the Aſſemblies of Signior *Moreſini* abovementioned, he often frequented thoſe of Signior *Pinelli* of *Padua*. Here Father *Paul*, diſplaying his great Skill in Mathematicks, was the Admiration of Signior *Marino Ghetaldo*, a Gentleman very famous for his Knowledge in thoſe Sciences.

But now Providence was pleas'd to take Father *Paul* out of this Haven of Tranquillity, and expoſe him on an Ocean of Troubles, which happen'd as follows. The Order of the *Servites* was now divided into two Factions, on occaſion of *Gabrielle Colliſſoni* already mention'd, who aſpir'd to be General of the Order. Father *Paul* endeavour'd as long as poſſible to keep himſelf from having a ſhare in theſe Diviſions, but he at laſt was forc'd to engage in 'em; and Juſtice oblig'd him to declare againſt *Colliſſoni*. The latter, to revenge himſelf on the Father, impeach'd him to the Inquiſition at *Rome*, upon pretence of his holding a Correſpondence with the Jews; and to enforce his Charge, he produced the Letter in Cypher already mention'd. He alſo prevail'd with one *Santo*, his (*Colliſoni*'s) Nephew, to impeach him to the Inquiſition at *Venice*, as tho' Father *Paul* had declar'd in a Chapter which was held, that recourſe muſt be had to human Means, when a Motion was made to implore the Inſpiration of the Holy Ghoſt, in order to pacify the Diviſions that reign'd in their Order. This latter Accuſation, after the ſeveral Witneſſes had been examin'd, being found invalid, was

was accordingly ſtifled. And tho' the Inquiſitors at *Rome* did not think proper to carry on the Proſecution, yet Father *Paul*, on account of the Letter in Cypher, was conſider'd as the moſt bitter Enemy to the Grandeur of the Court of *Rome*. However, theſe Charges againſt him are no blemiſh to his Reputation, the Integrity of his Life having more than juſtified him againſt theſe and all other Accuſations; not to mention, ſays *Fulgentio*, that many Perſons of the moſt diſtinguiſh'd Probity have from time to time been unjuſtly accus'd to that Tribunal.

Father *Paul* was alſo accus'd by Multitudes, for the too great Favour and Inclination, (as 'twas objected) he ſhow'd to Hereticks; but of this he may be clear'd by this ſingle Reflexion, that the uncommon Fame of his Knowledge inviting Foreigners of all Perſuaſions, and of the greateſt Diſtinction, who came to *Venice*, to viſit him; and theſe paying him the higheſt regard, he was oblig'd to return their Civilities, for which he was look'd upon as a favourer of Hereticks: a Conſideration that made ſo ſtrong an Impreſſion on Pope *Clement* VIII. that he would not nominate him to the See of *Nola*, when ſome Perſons ſpoke to the Pope for that purpoſe. And yet the Father had plainly ſhow'd the little Inclination he had for the Principles of the Hereticks, both by his Diſputations as well as Writings *.

By

* " Father *Paul* was an " intimate Friend of *Du Pleſ-* " *ſis Morney*, of *Deodati*, and " ſeveral eminent Proteſtants; " and indeed, when a motion " was made in *Rome* to give " him

By ſuch a Series of Slanders as theſe, divine Providence wou'd accuſtom his innocent Servant to ſubmit patiently to the moſt inveterate Calumnies.

The Domeſtic Feuds of the Order of the *Servites* continued for ſeveral Years with implacable Animoſity; and tho' the Father behav'd with the utmoſt temper and moderation, this was nevertheleſs conſider'd by his Friends as Luke-

" him a Cardinal's Hat, that " which appear'd the great- " eſt Obſtacle to his Advance- " ment was, his having a great- " er Correſpondence with He- " reticks than with Roman Ca- " tholicks. Mr. *Deodati* alſo " inform'd me, that obſer- " ving, in his Converſations " with Father *Paul*, that in " many Opinions he agreed " with the Proteſtants; he " ſaid, that he was overjoy'd " to find him not far remov'd " from the Kingdom of Hea- " ven, and therefore he ſtrongly " exhorted him, to profeſs the " Proteſtant Religion publick- " ly: but Father *Paul* anſwer'd, " that it was better for him, " like St. *Paul*, to be *Anathe-* " *ma* for his Brethren; and " that he did more Service " to the Proteſtant Religion in " wearing that Habit, than he " cou'd do, ſhou'd he lay it " aſide." . . . . " The elder Mr. " *Daillé* told me, that in going " to, and coming from *Rome* " with Mr. de *Villarnoud*, " Grandſon to *Du Pleſſis Mor-* " *nay*, whoſe Preceptor he was; " he had paſs'd by *Venice*, and " viſited Father *Paul*, to " whom *Du Pleſſis Mornay* " had recommended him by " Letters; that having de- " liver'd 'em to the Father, he " diſcover'd the higheſt Eſ- " teem for the illuſtrious Mr. " *Du Pleſſis Mornay*; that he " gave the kindeſt Reception " to Mr. *Villarnoud* his Grand- " ſon, and even to Mr. *Daillé*. " That afterwards Mr. *Daillé* " became very intimate with " Father *Paul*, and Fra. *Ful-* " *gentio* his Companion, who " alſo was a Perſon of great In- " tegrity and Abilities, and " who afterwards writ that " Father's Life, which is very " well drawn up." *Melange Critique &c. de feu Mr.* Ancillon, Tom. II. from pag. 288. to pag. 291. *Baſil* 1698. 12°. All this is confirm'd by Father *Paul's* Letters, which, on every Occaſion, expreſs the higheſt Regard for the Proteſtants; ſo that Fra. *Fulgentio* ſeems to have diſſembled here.

warmneſs

warmneſs, and they even reproach'd Him upon that account. Theſe Diviſions continued till the Year 1579, when Things ſeemed reſtored to a wiſh'd for Tranquillity; but this was again interrupted by the wicked Arts of *Gio. Battiſta*, a *Servite*, who ſetting up for an Exorciſt, impos'd upon many; and even went ſuch lengths in Villany, as to rob a Tradeſman whoſe Wife he pretended to exorciſe. *Gabrielle Colliſſoni*, now Provincial of the Order, had conniv'd with this *Gio. Battiſta*, and accordingly was impriſoned for ſome days; but being protected by Cardinal *Santa Severina*, he was releas'd, and the Matter huſh'd up. As for Friar *Battiſta*, 'twas believ'd that he was privately diſpatch'd. During theſe Intervals, a great Fray happen'd in the Monaſtery of the *Servites* in *Venice*, occaſion'd by Cardinal de *Santa Severina*'s getting an Order (the like of which had been never heard) from the Civil Power, for a Party of Men to come into the Monaſtery there, upon pretence of quieting the Diſturbances. But theſe, inſtead of doing this, committed great Exceſſes; inſomuch that the Religious obſerving 'em to leave their Arms, and walk careleſſly up and down; (they having called others to their Aſſiſtance) wou'd have ſeiz'd the Band, and have drove 'em out. However, Father *Paul*, by his earneſt Intreaties, prevail'd with them to lay aſide their Deſign; and going to *Rome*, he pacified Matters, and met with a moſt gracious Reception from Cardinal *Santa Severina*, who oblig'd him to be reconcil'd to *Colliſſoni*. During this Interval,

val, a new General of the *Servites* was elected; and he being a Man of great Virtue and Piety, was oppos'd by Cardinal *Santa Severina*, and *Colliſſoni* his Creature; and the former prevail'd ſo far, that 'twas thought he brought the unhappy General of the *Servites* to his End. *Fulgentio* on this and other Occaſions, draws the Character of Cardinal *Santa Severina* in very dark Colours.

He now was return'd again to *Venice*, where he enjoy'd about ſix Years leiſure, during which he applied himſelf very cloſe to the Study of moral Philoſophy. He examin'd the Thoughts and Reflexions of the antient Philoſophers in general, and gave his Judgment on them all: and particularly on *Ariſtotle* and *Plato*, in the margins of whoſe Works he writ a great many ſhort Notes. He did the ſame with regard to the Writings of the moſt eminent Schoolmen, not to mention thoſe of Mathematicians, Phyſicians, *&c.* He compos'd ſeveral Tracts on Morality, (particularly one againſt Atheiſm) the Publication of which muſt neceſſarily be of the utmoſt advantage to Society. He alſo writ two ſmall metaphyſical Tracts, which were left unfiniſh'd, and likewiſe a little Piece on his own Failings; which, we may affirm, were inviſible to every one but himſelf.

However, all this was nothing in compariſon of his Application to the Study of the old and new Teſtament, on which he employ'd the moſt profound Meditations; and he had read the new Teſtament in the original, ſo often over, that he cou'd

cou'd repeat the whole by heart *. His Studies were interrupted but twice during these six Years; first, by his attending on *Mocenigo* the newly elected Bishop of *Ceneda* (at his Request) to instruct him in the Canon Law, and the Duties of the Episcopal Function: and secondly, by his engaging in the famous Dispute relating to the Efficacy of Grace, on which he wrote some Letters, at the request of a certain Prelate. By these Letters it appear'd, that Father *Paul* was of the Opinion of *Thomas Aquinas*.

At the end, or a little after, the six Years in question, *Colliſſoni*, General of the Order, dying, and *Santo* his Nephew succeeding him in the Direction of Affairs, he wanted to oppress Father *Paul*; knowing that so long as he shou'd be concern'd in the Government of the Order, it would be impossible for him (*Santo*) to continue his unjust Practices. This made him object to the Father, in a Chapter of the Order, three trifling Articles, which accordingly prov'd the Jest and Scorn of the whole Assembly. The first was, his wearing a square Cap, contrary to the Prohibition made under Pope *Gregory* XIV. 2dly, His using Slippers after the *French* Mode;

* According to Bishop *Burnet*, in his Life of Bishop *Bedell*, the latter "found Father "*Paul* had read over the "Greek new Testament, with "so much exactness, that *he "had mark'd every Word of "it*, as *Fulgentio* observes. And "when *Bedell* suggested to "him critical Explications of "some Passages which he had "not understood before, he "receiv'd them with Transports of one that leap'd for "joy; and that valued the "Discovery of divine Truth "beyond all other Things."

Santo

Santo falsely asserting that all who wore such Slippers, were, by the Prohibition, disqualified from giving their Votes; (the very thing he had in view.) 3dly, His never repeating at the end of the Mass, the *Salve Regina.* Father *Paul's* Slippers being taken off by Order of the Judge, the following Words, which became proverbial, were spoke on that Occasion: "Father *Paul* is so irreproachable and free from "all Blame, that his very Slippers have been "canoniz'd." *Santo's* Complaint was therefore rejected; some time after which, he went to *Rome*, where living at an extravagant rate, he was forc'd to retire to *Candy*; and there setting up for a Trader, he soon died, having first lost all he had in the World.

We are now coming to the Year 1606, when Father *Paul* was oblig'd to bid adieu for ever to so intense an Application to his Studies and his very retir'd Life: Heaven being pleas'd to raise him to an Employment which he was far from expecting. The occasion of it was the Quarrel of Pope *Paul* V. with the *Venetians*, upon pretence that some of the Laws of their Republick interfer'd with the Ecclesiastical Immunities; whilst the *Venetians*, on the contrary, asserted that they were just, and no ways repugnant to the lawful Prerogatives of the Church.

The Court of *Rome* having menac'd the Republic with no less than Excommunication, the Senate, as this Dispute related both to Divinity and Law, appointed Father *Paul* their Divine

Divine and Canoniſt, who was to act in concert with the Law-Conſultors. The Father not only acted in the two firſt capacities, but was afterwards made Conſultor of State; ſo that he was employ'd in all public Affairs, whether relating to Peace or War, to Juriſdictions, Fiefs, Treaties or Controverſies of every kind; on all which Occaſions he diſcover'd the utmoſt Sincerity, Probity and Capacity, for which reaſon uncommon Honours were paid him by the Senate.

At his entring into this Employment, to eaſe his Toils, he aſſociated to himſelf Friar *Fulgentio*, a Perſon he highly eſteem'd, and in whom he knew he might ſafely confide. Father *Paul* had before been ſo indulgent, as to aſſiſt this Friar in his Studies: However, he did not inſtruct him after the vulgar way, which he look'd upon as more oſtentatious than uſeful; but in the *Socratic* Method, by bidding him read ſuch and ſuch Books; and afterwards, by diſcourſing on 'em, to diſcover the Truths they contain'd, as well as their Errors. Friar *Fulgentio* was at that time in *Bologna*, where he had a fair Proſpect of riſing to the higheſt Employments in his Order; but at the Call of his dear Friend and Maſter, he left every thing, even to his very Books and Furniture, and came immediately to *Venice*.

Father *Paul*, in concert with the other Conſultors, was now examining in what manner the Republic might act, ſo as to maintain its State and Independence, without being want-

ing in the Reſpect it ow'd to the See of *Rome*. In the courſe of this Enquiry Father *Paul* (among other Pieces) writ a ſmall but ineſtimable Piece on *Excommunication*. In this little Tract he comprehended, in a very narrow compaſs, and at the ſame time as fully as was requiſite, whatever related eſſentially to *Cenſures:* their Inſtitution: the Uſe that may lawfully be made of 'em in the Church: in what manner Princes and Commonwealths have acted, when thus attack'd by the Court of *Rome*. The whole written in the moſt exact Conformity to the holy Scriptures, the Councils, and ancient Fathers of the Church; and teaching every good Subject and virtuous Prince how to behave on the like Occaſion. 'Twas a great Loſs to the World, that this Treatiſe could not be found among the other Pieces he had written on public Affairs, which take up large Volumes, and comprehend all Matters relating to Government. There indeed was found a kind of Sketch of this Diſcourſe, compos'd in a truly Chriſtian Spirit, and with the greateſt Juſtneſs of Thought. Beſides theſe Pieces and Conſultations, the great Merit of which ſufficiently appears, from the public Decree made by the Senate of *Venice* (whoſe Wiſdom and Prudence are ſo univerſally known) that Copies ſhould be taken of them, in order that they might ſerve as Inſtructions to thoſe who ſhould preſide hereafter in the State. The Father was oblig'd to ſend ſome Tracts on this Subject to the Preſs, in ſpite of the

firm

firm Resolution he had made, never to publish any of his Compositions.

The first thing the Senate thought proper to be done, was, to publish a short Manifesto, containing the true State of the Controversy, which the hireling Writers of the Court of *Rome* had strangely disguis'd; insomuch that the common People were induc'd to believe, that this Dispute related to the Essentials of Religion, tho' 'twas merely about Jurisdiction. The Pope's Emissaries had dropt up and down, and posted up, in the night-time, in *Bergamo*, and its Dependencies, Libels, directed to the Subjects of the Republick of *Venice*, declaring, That henceforwards none of 'em might partake in any of the Sacraments; by which means their Marriages were disannulled, and consequently their Children declar'd illegitimate. To invalidate these Libels, Father *Paul* drew up a Tract, which, as he had never studied the Graces of Diction, was methodiz'd and polish'd by *Gio. Battista Leoni*, a Man very eminent that way. This Book was accordingly admir'd for the Style; but the Matter not being very well digested, it had no great vogue.

Father *Paul* had studied the Subject in dispute four Months with prodigious Application, in order that he might be thoroughly satisfied in his Conscience, whether the Cause he was going to defend, was just.

Whilst *Leoni* was preparing the Piece abovemention'd, Father *Paul* call'd to mind a little Treatise on Excommunication, written by the famous *John Gerson*. The Father show'd this

Piece to ſome of the ableſt Senators, who obſerving that it ſeem'd to have been written expreſſly, to clear up and decide the ſeveral Points then in diſpute; they order'd him to tranſlate it into *Italian*, and to write a Preface to it; which being done, the whole was printed. Cardinal *Bellarmine* having attack'd this Piece, and eſpecially the Preface; charging the Author of it with giving falſe Interpretations, and with advancing Doctrines contrary to that of the Church; and afterwards cenſuring the Work it ſelf of *Gerſon:* the Father found it neceſſary to anſwer the Cardinal; and for that purpoſe he drew up a little Work, which is ſtill extant, and entitled, *Apologia... di Gio.* GERSONE, *&c.* or, *the Apology of Gerſon.* 'Tis certain, ſays *Fulgentio*, that ſuch learned and pious Chriſtians as did not ſacrifice their own Conſcience and the Purity of the Catholic Faith, to the Views of flattering the Court of *Rome* purely to make their Fortunes, were of opinion, that nothing cou'd be added to this little Book; which is as remarkable for the great Strength of the Arguments, as for the Modeſty of its Author.

As the Partizans of the Court of *Rome* ſtill continued to publiſh their ſcandalous Invectives, the Senate commanded Father *Paul* to anſwer them; which he did accordingly, in a Work entitled, *di Conſiderationi ſopra le Cenſure*, or *Reflections on Cenſures.* The Judicious, ſays *Fulgentio*, cannot but perceive the great Strength of the Arguments in this Piece; and will, I am perſuaded, own, that the Refutations there made

made are real Refutations; or rather true Confeſſions of a Cauſe that was abſolutely deſperate. This Book being attack'd from all Quarters, and eſpecially by one Father *Bovio*, he was anſwer'd by another Tract, entitled, *Confirmationi delle Conſiderationi del P. M. Paolo di* Venetia, *&c.* or, *A Confirmation of the Reflections of Father* Paul *the* Venetian, *&c.* This was writ to corroborate the Aſſertions advanced in the former Treatiſe, the Materials of which ſeem'd to have been collected by Friar *Fulgentio*, and the whole methodiz'd by Father *Paul*.

Father *Paul* drew up in a very few Days, (he being oblig'd to devote the greateſt part of his time to the peruſal of Letters, Inſtruments and public Charters) the Supplement to the Hiſtory of the * *Uſcochues*, entitled, *Aggionta e continuatione all' Hiſtoria de gl'Uſcocchi, col Manifeſto*. He alſo writ a little Piece, entitled *De jure Aſylorum Petri Sarpi J. C.* (which name he went by, before he embrac'd a religious Life:) likewiſe the Extract of a Piece of his, drawn up by order of the Government, on the Immunity of ſacred Places, within the Dominions of the *Venetians*, containing the particular Laws and Treaties concluded on that Head with the Popes; as alſo the Laws and Uſages of their Immunities. He compos'd a Work on the Inquiſition of *Venice*, entitled, *Trattato dell' Inquiſi-*

* A People (not very numerous) of *Auſtrian Croatia*. Their Anceſtors were *Dalmatians*, who flying from the Tyranny of the *Turks*, with drew to *Cliſſa*, and afterwards to *Segna*, whence they make bold Incurſions on *Turkiſh Croatia*.

tione *. " This Treatise, says *Fulgentio*, was " writ by order of the Senate; and tho' it " seems calculated only for the Republick of " *Venice*, it yet deserves, on account of the curious and uncommon Particulars there related, " to be purchas'd, as an inestimable Jewel, by " all Princes, tho' at ever so high a Price. All " these Pieces, continues *Fulgentio*, are indisputably allow'd to have been written by Father *Paul*." With regard to the Treatise on the *Interdict* of Pope *Paul* V. entitled, † *Trattato dell' Interdetto della Santità di Papa Paolo* V. *&c.* which is laid down in Propositions; seven Divines drew it up, by order of the Republic. During the Interdict, a Report, adds *Fulgentio*, " has prevail'd universally (and which was " consider'd in *Rome* as undoubted Fact) that " Father *Paul* is Author of the *History of the* " *Council of* Trent, divided into eight Books, " and printed at *London* in the *Italian* Tongue; " which Work has been translated into most of " the Languages of *Europe*; a manifest Proof of " the high Esteem the Public had for it ‖. We " may suppose that the Reason why the Court of " *Rome* ascribe this History to Father *Paul*, is, " from their having been inform'd, that he

* This Book was given by Father *Paul* to Bishop *Bedell*, (when Chaplain to the *English* Ambassador) who brought it into *England*; translated it, and dedicated it to the King.

† Father *Paul*, we are told, likewise presented Bishop *Bedell*, with this Book, which he also translated.

‖ The learned Father *Courayer* is preparing a new Translation of this History.

had

" had been collecting for ſeveral Years, at a " great Expence, and by aſſiſtance of his Friends, " the ſeveral Materials neceſſary for his pur- " poſe; all which he procur'd, not only at home, " but alſo from foreign Countries. 'Tis cer- " tain, that the Father was allow'd free Acceſs " to the moſt ſecret Cabinets and Archives, du- " ring the whole time that he had leave to con- " verſe with the Ambaſſadors of foreign Princes, " as alſo whilſt he was Divine and Canoniſt to " the Republic; which permiſſion was not " taken from him till he was appointed Conſul- " tor of State. He had been vaſtly intimate with " the Ambaſſadors of *France*, and particularly " with Mr. *du Ferrier*, who was at the Council " of *Trent*, and had preſerv'd large Memoirs, " Letters, and Relations, which indeed are the " ſureſt Foundation of that Hiſtory *. Another " reaſon why the Father was look'd upon as the " Author of this Work, was, from the fictitious " name of the Author, viz. *Piero Soave Po-* " *lano*, which is the Anagram of *Paolo Sarpio* " *Veneto*. However this be, 'tis my Opinion, " that the ſureſt Criterion to judge of the Wri- " tings of this Father, is from the Works them- " ſelves." † He alſo writ the Plan of a Work on the *Sovereignty of Princes*; which Plan, con- tinues the Author in queſtion, " is ſo finely

* We ſhall take further notice of this Work hereafter.

† It may be needleſs to obſerve, that this Hiſtory of the Council of *Trent*, is well known to have been writ by Father *Paul*. *Fulgentio* very poſſibly had his Reaſons for pretending ignorance in this Matter.

City, * that no Person presum'd to answer it. He afterwards drew up a Piece of some length, which was presented to the Pope, wherein he gave a succinct Account of several direct Heresies, as well as violent and tyrannical Doctrines, contain'd in the Writings of those who pretended to defend the Pope's Cause in this Controversy. He offer'd to dispute with any of the Papal Emissaries in a place of safety, on the Articles laid to his charge; promising at the same time to retract immediately any Points wherein he might be found in an Error.

Father *Paul*, by order of the Senate, drew up some Hints preparatory to a Treatise in his own Justification, which at last were publish'd, says *Fulgentio*; but by whose means, is not known. This Author does not tell us the Title of the Piece in question. The Storm continued sixteen Months; and were we to give the parti-

* The Author of the Extract abovemention'd of the Life of Father *Paul*, has made an egregious Mistake in this place, he saying, page xxvii. *that the Father went to* Rome *in the 55th Year of his Age. But no lawful Reason (as 'twas reported) was ever assign'd to declare him obnoxious to the Ecclesiastical Penalties or Censures.* The original whence he took this, stands thus, pag. 92. *Si passò à* Roma. . . . *a dichiararlo in corso nelle Censure, & pene Ecclesiastiche*, &c. i. e. *He was declar'd at* Rome *to have incurr'd the Ecclesiastical Censures and Penalties*, &c. Here we find that he did not go to *Rome*; and indeed had he ventur'd thither, it would have been the highest Reflection on his Judgment, since he would hardly have ever come out of it alive. . . Had the Writer in question duly attended to what follows, *viz. that the Father offer'd to dispute with any of the Adherents of the Court of* Rome, *provided he might be in a place of safety*, he wou'd not have fell into this Error. My Edition of *Vita del Padre Paolo* is in 1658, without the name of the place where printed.

culars

culars of Father *Paul*'s Administration during the course of it, he wou'd appear in so amiable a Light, as must necessarily endear his Name to the most distant Ages.

But now the Court of *Rome* commanded its Emissaries to win over, either by Promises or Threats, all the Officers of the Republic, and especially the College of the seven Divines in *Venice*. Two of these had Souls base enongh to be corrupted; but not one of the Emissaries dar'd to attempt Father *Paul*, so great was the reputation of his Uprightness and Inflexibility.

At the close of the Year 1606, and in the beginning of the succeeding Year, the mighty Division was heal'd by the Interposition of the King of *France*; Cardinal *Perron* transacting that Affair in *Rome*, by the King's order. Cardinal de *Joyeuse* being now in *Venice*, desir'd to have a Conference with Father *Paul*, assuring him, that he had Proposals to make, which wou'd be greatly to his advantage. The Father advising with the Senate about this Request, the Result was, that it wou'd not be proper for the Father to hold any such Conference, and chiefly for this Reason (a pleasant one) *viz.* that as the Senate wou'd never consent that any of their Officers shou'd receive the Blessing or Absolution, which was no ways necessary since all their Proceedings had been strictly just; as Cardinal *de Joyeuse* was in so high a Station in the Church, he very probably might attempt to make the Sign of the Cross, or some such thing, on Father *Paul*, as he was simply a Religious, tho' at the same

ſame time one of the principal Counſellors of the Republic; which, by ſuch a Circumſtance, wou'd have been injur'd in his Perſon. The ſame Requeſt was alſo refus'd to *Geſſi* the Pope's Nuncio. One of the Conditions of the Reconciliation was, that the Republic ſhou'd pardon all thoſe who had acted in oppoſition to its Intereſts during this Rupture, by which means a great number of Rebels return'd to their native Country. The Pope being afterwards ask'd whether he forgave Father *Paul*, he anſwer'd, that he had given his Bleſſing to all; and thereupon he commanded that no further mention ſhould be made of paſt Tranſactions. Upon theſe Promiſes, and the Sincerity of his own Conſcience, Father *Paul* laid aſide all Suſpicions with regard to his own ſafety; it never once entering his Head, that any Outrage wou'd be attempted on his Perſon, for his having ſerv'd his Country, with the utmoſt Zeal and Fidelity.

About this time there arriv'd in *Venice Gaſpar Scioppius*, who, in a private Conference with Father *Paul*, began to obſerve, that the Pope being a conſiderable Prince, he therefore had long Hands; that as his Holineſs imagin'd the Father had greatly injur'd him, he might naturally expect ſome ſiniſter Accident; and that the Pope indeed cou'd have caus'd him to be murther'd, had he thirſted after a Revenge of that kind: however, that he only deſign'd to have him carried off alive, from *Venice* to *Rome*. . . *Scioppius* after this offered, in caſe the Father thought proper, to uſe his Endeavours to reconcile Pope *Paul* to him, and

that

that in the moſt honourable and advantageous manner he cou'd wiſh. . . To this the Father anſwer'd, that he was not conſcious of his having offended the Pope in any thing, ſince he had only maintain'd a juſt Cauſe. That 'twas an unpleaſing Circumſtance to think that he cou'd not write in its Defence, without incurring the Pope's Indignation. That as he had been particularly included in the Reconciliation, he ought not ſo much as to ſurmiſe, that ſuch a Prince wou'd forfeit his Word; eſpecially after his having given the moſt ſolemn Aſſurances, that he had forgot all that was paſt. That with regard to the Menaces, of bringing him to a violent Death, this did not give him the leaſt pain. That Emperors and Kings indeed were liable to be aſſaſſinated, but not ſuch obſcure Perſons as He was. However, that if any ſuch Deſign were hatching, he wou'd ſubmit patiently to the Decree of Heaven; he not being ſo ignorant of human Things, as not to be thoroughly acquainted with the nature of Life and Death; and that he was in doubt, whether the Man who knows both perfectly, ought to deſire or fear them. That in caſe the Pope ſhou'd cauſe him to be carried off alive to *Rome*; that Prince, with all his Power, cou'd not prevent his being more Maſter of Himſelf than another; and conſequently that he had a greater Power over his own Life than the Pope *. However, that he thank'd

* Here the Editor above-mention'd of Father *Paul's* Life in *Engliſh* ſeems to have ſtrain'd *Fra. Fulgentio's* Words a little too far. The latter ſays pag. 100. *Eſe Phaveſſe fatto prender*

thank'd him for his good Will; but yet, that his Caution wou'd not give him the leaſt Uneaſineſs; he being determin'd not to diſcontinue in any manner his Toils for the Republic, ſince he had not engaged in its Defence, till after he was fully ſatisfied of the Juſtice of its Cauſe.

Theſe two Attempts of carrying him off alive, or getting him aſſaſſinated, were look'd upon almoſt as incredible; nevertheleſs, the Sequel ſeem'd to ſhow, that *Scioppius* had not ſpoke at random; and that theſe Deſigns againſt the Father had been long projecting. *Scioppius*, after his leaving *Venice*, wrote a Satire, in which, ſpeaking of his Interview with Father *Paul*, he ſaid that he knew him to be a Man *non indoctum nec timidum*, i. e. neither unlearned nor fearful. The Inquiſitor of *Venice* had often

prender vivo, per condurlo à Roma, *tutta la poteſtà del Papa non arriver ad impedire, ch'ogni huomo non ſia prima padrone di ſe, ch'altri; e ch'anco egli ſareble ſtato prima padrone della ſua Vita, ch'el Pontefice.* I have given a Tranſlation of theſe Words in the Text. Now the Writer in queſtion makes Father *Paul* ſay pag. xxix, *that in ſuch a caſe* (an attempt upon his Life) *he was reſolv'd to be his own Executioner.* But methinks this is expreſs'd in too ſtrong Terms. I own indeed that the *Italian* Words above-mention'd, ſeem to hint at ſomething very like Suicide; but as Father *Paul* is not made to ſay expreſſly in the original, *that he wou'd lay violent hands on himſelf*; I preſume the Writer in queſtion ought not to have peremptorily advanc'd ſuch an Aſſertion; eſpecially as this is quite out of character when ſpoke of Father *Paul*, who is ever repreſented by *Fulgentio*, as a very pious Man, a ſtrict Adherer to the Principles of Chriſtianity; and conſequently, he cou'd not have ſpoke in favour of Self-murther. I alſo might obſerve, that *Fulgentio* ſays expreſſly afterwards, *that Father* Paul *was very ſenſible it was not lawful for him to deſtroy Himſelf.*

advis'd

advis'd Father *Paul* to take care of himself; but so strongly did he confide in his own Innocency, and his Contempt of Life was so great, that he cou'd never be prevail'd with to change his usual methods; he always saying, that he did not matter which way he came to his end, provided he died innocent; and for this reason, because he was sure Death cou'd never come upon him unawares.

Six Months after the Reconciliation, an Attempt was made which occasion'd much Speculation, and at the same time show'd that *Scioppius* had not spoke without some grounds: for in the Afternoon of the fifth of *October* *, the Father returning from the Palace of St. *Mark* to his Monastery, he was assaulted by five Assassins. They were arm'd with Stilletos and other Weapons, and gave him upwards of fifteen Thrusts, three of which only did execution; he receiving two Wounds in the Neck, and a third made by the Stilleto's entring at the right Ear, and coming out between the Nose and the right Cheek: and so violent was the Stab, that the Ruffian was forc'd to leave the murthering Instrument where he had fix'd it. 'Twas extraordinary, and at the same time very providential, that the Villain did not pierce him in any part of the Body where the Wound would have been mortal; Father *Paul* not making the least resistance or struggling in any manner. 'Twas remarkable, that Father *Paul* had never stirr'd abroad before without three Companions at least, for three Months, till this

* This must have been in 1607.

fatal

fatal Day, in which he was attended only by Friar *Marino* his Servant; *Fulgentio* being gone to view the Ruins made by a Fire lately broke out in *Venice*. Friar *Marino* was ſeiz'd and bound by ſome of the Aſſaſſins, whilſt others of 'em, drawing their Swords and preſenting their Muskets, kept off ſuch as might attempt to come to his reſcue. *Marino* getting looſe, was ſo terrified at what he ſaw, that he fled with the utmoſt ſpeed; but *Alleſſandro Malipiero*, an old Gentleman who had a great Affection for Father *Paul*, walking before him that Afternoon, the Inſtant the Aſſaſſins were retir'd, he turn'd back to the Father, and drawing the Stiletto from the Wound, he call'd for help; as did ſome Women who had view'd the horrid Scene from their Windows. Unluckily the Players were that Evening to repreſent a famous Comedy, which had drawn ſuch Crouds of People about the Theatre, that very few were left in the Quarter of the City where the Father was ſet upon; which gave the Ruffians an Opportunity of flying to a Gondola that was prepar'd for 'em. Going on board it, they were carried to the Palace of the Pope's Nuncio in *Venice*, whence they eſcap'd that Evening either to *Ravenna* or *Ferrara*. The Populace hearing of what had happen'd, ſurrounded the Nuncio's Palace, and wou'd have beſieg'd it with the utmoſt fury, had not the Council of Ten ſent a Guard to prevent Diſorders.

Father *Paul* being come to Himſelf, and his Wounds dreſs'd, told thoſe about him, that the

firſt

firſt two Wounds he had received, ſeem'd like two Flaſhes of Fire which ſhot upon him at the ſame inſtant; and that at the third Wound, he thought himſelf loaded, as it were, with an extreme heavy Burthen, which oppreſs'd him to ſuch a degree, as ſtunn'd him, and quite confus'd his Senſes.

The chief of theſe Murtherers was *Ridolfo Poma*, a Bankrupt Merchant of *Venice*, who retiring to *Rome*, was highly careſs'd there, and particularly by Cardinal *Borgheſe*; inſomuch that *Poma* had flatter'd himſelf with the Hopes of being raiſed to the Purple. The other four were, *Aleſſandro Peraſio* of *Ancona*, * *Giovanni* of *Florence*; † *Paſquale* of *Bitonto*, and *Michiel Viti* of *Bergamo*, a Prieſt belonging to the Church of the Trinity in *Venice*, who ſerv'd as their Spy. A Proof that this Aſſaſſination had been hatching ſeveral Months, was, that this Prieſt uſed to viſit *Fulgentio* every Morning, and diſcourſe with him on devout Subjects. Here *Fulgentio* makes the following Reflexion: "Thus it comes to paſs, that Religion is gene- "rally made uſe of as an Inſtrument to execute "the blackeſt Purpoſes, by thoſe whoſe Affairs "being deſperate, or who being impos'd upon "by powerful Scruples, are thereby hurried on "blindly to the Commiſſion of the worſt At- "tempts." *Coſi facilmente & ordinariamentè la religione è fatta iſtromento delle piu gran ſceleraggini di quelli, che ò ſono cadutè alla deſtra, ò affaſcinati da potente errore, con ubbi-*

* *John.* † *Paſchal.*

dienza cieca ſi laſciano guidare. The Ruffians met with great Favour for ſome time, from the Court of *Rome*; but not being rewarded (as 'twas generally reported) according to their Expectation; and murmuring upon that account both againſt the Pope, and Cardinal *Borgheſe*, whom, ſome ſay, they at laſt threatned to murther, they fell into Diſgrace, and afterwards came to a miſerable End.

To return now to Father *Paul*: As ſoon as his Wounds were dreſs'd, he receiv'd the Communion with the utmoſt Humility; beſeeching the Fathers who all ſtood weeping round Him, not to let any ſearch be made after the Aſſaſſins, all whom he ſaid were Strangers to Him; conſequently that he had not offended 'em in any manner, and that he freely forgave 'em. The only thing he deſir'd was, that the Senate wou'd pleaſe to appoint a Guard for the Security of his Perſon hereafter, in caſe Heaven ſhou'd think fit to prolong his Life. The next Day he was viſited by the General of the *Servites*, who being inform'd of the ſad Cataſtrophe, and judging from what quarter it came, could only expreſs his Aſtoniſhment by involuntary Signs, and by the Melancholy which appear'd in his Countenance.

Father *Paul* deſir'd to be attended only by a young Surgeon; but the Senate being greatly ſollicitous for his Recovery, order'd all the famous Phyſicians and Surgeons in *Venice* to employ their utmoſt Endeavours to ſave his Life. *Aquapendente* (his old Friend) and *Spignelius* were particularly enjoin'd not to ſtir out of the Monaſ-

Monaſtery, till it ſhould be certainly known whether he would live or die. Of this they were long in doubt; for the Wounds being very dangerous in themſelves, were made ſtill more ſo by the delicate Complexion of the Patient, who before was a mere Skeleton: add to this, his great loſs of Blood, and the extreme Pain he was obliged to undergo, occaſion'd by the various Opinions of his Phyſicians. He ſuffer'd inexpreſſible Torture from the dilating of the Orifices: and his Jawbone being broke, Inflammations enſued, which were attended with a violent Fever, till ſuch time as he was perfectly cur'd; after which, Scars remain'd in thoſe Places where he had been ſtabb'd.

The Father ſubmitted to all the Operations with his uſual patience and conſtancy; and was ſometimes very chearful and pleaſant even in the Extremes of Pain. And once in particular, when *Aquapendente* was dreſſing his Wounds, and ſaying that he had not yet heal'd the moſt dangerous of 'em all, the Father replied briskly; And yet 'tis generally reported, this was made *ſtilo Romanæ Curiæ* *, *i.e.* in the Stile (or with the Dagger) of the Court of *Rome*. The ſame Night he was aſſaulted, after his Wounds were dreſs'd, and the Stilleto which had wounded him was brought at his Requeſt, he took it in his Hand and immediately cried, *non è limato*, it is not filed. *Morosini*, who had drawn the Stilleto out of his Head, deſiring to have it, as thinking it his Due, 'twas at laſt refus'd him very civilly for this reaſon; that as the Father had eſcap'd ſo miraculouſly, 'twas fit the bloody Inſtrument ſhou'd be preſerv'd as

* This is a Pun in the *Latin*, and cannot be tranſlated into *Engliſh*.

a public Monument; and therefore 'twas hung at the Feet of a Crucifix in the Church of the *Servites*, with the following Inſcription, *Deo Filio Liberatori*; To the Son of God, the Deliverer.

The Senate of *Venice*, to ſhow the high Regard they had for the Father, and their Deteſtation of this horrid Attempt, broke up immediately upon the News; and with the deepeſt Grief in their Countenances, came in ſuch numbers, that very night, to the Monaſtery of the *Servi*, that one would have concluded it had been the Place of their Aſſembly. They ſent Money to the Monaſtery, to defray the Expence of the Cure: and, beſides the daily Concourſe of the chief Senators, ſome of the principal Magiſtrates were appointed to viſit him every day; and the Phyſicians were often order'd to come into the Senate, to acquaint that illuſtrious Body with the ſtate of the Father's Health. The Republic afterwards knighted *Aquapendente*; and preſented him with rich Chains and gold Medals, for the great Care he had taken of Father *Paul*. The moſt grievous Penalties poſſible were enacted againſt the Ruffians; and large Rewards promis'd to thoſe who might kill or ſeize any Perſon who ſhould make any Attempt on his Life, or diſcover any Conſpiracy that was forming againſt him. They gave the Father leave to go always with arm'd Attendants for his Security; and appointed him a Houſe near the Palace of St. *Mark*, where he might lodge in ſafety. However, he cou'd never be prevail'd upon to quit his Monaſtery; only ſome little Galleries

Galleries were built adjoining to his Chamber; in order that he might always go abroad by Water, and never be oblig'd to return home, in the Night-time, thro' the narrow Lanes and Alleys when he came from public Buſineſs. But now Neceſſity oblig'd him to make ſome little Alterations, at leaſt in his outward way of living; for hitherto, he had always follow'd the ſtrict Rules of his Order; contenting himſelf with the ſpare Diet and modeſt Habit of it, tho' a handſome Penſion had been ſettled upon him by the Republic ever ſince he had engag'd in its Service. Being now ſo well provided for, he was very liberal to his Brethren with whom he liv'd; and alſo gave conſiderable Sums, for the beautifying of his Monaſtery. He had ever deſpis'd Riches, and lent Money to all his Friends who addreſs'd him for that purpoſe. I cannot omit the Generoſity of his Behaviour on theſe Occaſions, as related by *Fulgentio*, it being a *rara Avis in terris... La ſua maniera di preſtare era con queſto termine, che volontieri mà con conditione, che non gli foſſe ritornato il preſtito, s'egli non lo ridomandava; come volendo donare ſenza ch'il donato haveſſe anco queſta inferiorita d'haver ricevuto.* i. e. "He always an-"ſwer'd thoſe who came to borrow Money, "that he would gratify 'em willingly, upon "condition that they ſhould never return him "the Loan 'till he ask'd for it. He not being "willing to put a Perſon obliged to the Confu-"ſion of ſaying, here's your Money again." He frequently had theſe admirable Words in his

Mouth, *Imitiamo Deo e la natura*, that is, *Let us imitate God and Nature*; for these, how great soever their Gifts be, never give 'em by way of Loan, and in expectation of a Return. All the Hours he was not employ'd in public Affairs, he spent in his Studies, in serving his Friends; or else in Divine Service, alone in his Cell; he leading the Life of a true Anchoret, except on the Occasions above mention'd. During the last sixteen Years of his Life, he was consulted on every kind of Subject by all the Cities of the Republic, whether relating to Marriages, Wills, Innheritances, or to Peace and War. I omit his great Abilities in all Matters relating to the good Government of a State, in which he chiefly excell'd. So happy were his Decisions in Beneficiary Matters, that even the Court of *Rome* cou'd never find the least fault with them; and whenever the most famous Universities were consulted on any Point at the same time with Father *Paul*, the Judgment of the latter was always preferr'd. In a word, his Decisions were rever'd universally, as so many Oracles. *Fulgentio* goes so far as to declare, that in the numberless Causes in which he had been engag'd, his Sentences had never been repeal'd.

Nevertheless, tho' he led so holy and exemplary a Life, still this cou'd not allay the Rancour of his Enemies. Great numbers were prompted to this Animosity, from a Belief that nothing cou'd so soon advance their Interest in the Court of *Rome*; and indeed many of them were not mistaken in their Conjectures. Among other Calumnies,

Calumnies, 'twas ſaid that Father *Paul* had on all Occaſions oppos'd the Clergy; and that his only aim was, to leſſen the Eccleſiaſtical Juriſdiction. But all who were acquainted with him, knew this to be a falſhood; and that, ſo far from it, he in all his Diſcourſes and Writings ſtrove rather to enlarge the Prerogatives of the Church. Nay, he did as many good Offices to the Clerical Order, as if he had been appointed the perpetual Advocate of true canonical and lawful eccleſiaſtical Juriſdiction and Liberty; not indeed of that which has ſince been wickedly uſurp'd, and which, ſays *Fulgentio*, we may affirm was introduc'd to no other end, but to undermine and deſtroy all Order, and even the purity of Religion. For Father *Paul*, excited by a truly-ardent Zeal for the real Intereſt of the Church, for ever aſſerted, that nothing was ſo great a Check to the Increaſe and Propagation of the Roman Catholic Religion, as the endeavouring to ſtretch thoſe Liberties and Privileges beyond their proper Bounds; and that this Attempt alone had always been the Cauſe of, and ſtill kept up, the deplorable Diviſions which reign'd in the Church. On the other ſide, fir'd with the like Zeal for the preſervation of Religion, he always look'd upon thoſe Princes as guilty of a very great Crime, who neglected to preſerve every part of that Power with which God had inveſted 'em. For by this means, ſuch Princes were no longer able to govern their Subjects without being engag'd in perpetual Conteſts about their Juriſdiction. He alſo affirm'd, that

ſeveral Feuds which reign'd among the Chriſtians in his time, were owing not ſo much to Oppoſition in Matters of Faith, as to Struggles for Power; which degenerating more and more, had at laſt, under various Factions, aſſum'd the Mask of Religion. He corroborated his Aſſertions from Hiſtory, which ſhows, that thoſe who were look'd upon as good Princes, were always moſt vigorous in aſſerting their ſeveral Prerogatives; and that all who gave up any of them on this Occaſion, were effeminate, ignorant and vicious.

In 1609, a new Conſpiracy againſt the Father was diſcover'd, the Particulars of which are as follow. *Bernardo*, a young Friar, who was very much careſs'd by Cardinal *Borgheſe*, prevail'd with the General of the *Servites* to ſend to *Padua*, a Friar named *Gio. Franceſco* of *Perugia*, upon pretence of carrying on his Studies in that Univerſity.

The little diſtance there is between *Padua* and *Venice*, gave *Franceſco* an Opportunity of coming often to the Monaſtery of the *Servites* in the latter City, where he ingratiated himſelf particularly with Friar *Antonio* of *Viterbo*, who being Father *Paul*'s Amanuenſis, was very familiar with him upon that account. Theſe two Friars were Townſmen, and had formerly been great Friends. Father *Paul* was not pleas'd with this ſtrict Intimacy, which nevertheleſs he only hinted to Friar *Antonio*; whereupon the latter was viſited no more by *Franceſco* in the uſual Place, but then they met elſewhere:

where: They even wrote Letters one to another, of which a Jew was the Meſſenger. Now it happen'd one day, when *Antonio* was not at home, that the Jew deliver'd one of theſe Letters to another Friar; telling him, at the ſame time, that he was always the Bearer on theſe occaſions; however, that he intended to be ſo no longer, becauſe he did not know what Buſineſs they were upon. The Friar carrying this Letter to Father *Paul*, the latter gave it afterwards to *Antonio*, charging him, at the ſame time, to break off from *Franciſco*, upon pain of being diſmiſſed his Service. *Antonio* made the beſt Excuſe he could; but ſtill continued to meet *Franciſco* privately, at a certain Woman's Houſe, till ſuch time as the Affair was ripe for Execution.

One Morning at Day-break, theſe two Friars being together in the Sacriſty, where they were a long time in cloſe Conference, *Franceſco* pull'd out a great Piece of Wax, which drawing after it a Packet of Letters; theſe drop'd on the ground, unperceiv'd by the two Friars: When both going away, the Sacriſtan took up the Packet, and carried it to *Fulgentio* The latter opening it, found the Letters were all writ in Cypher; whence he naturally concluded, that they concealed ſome Myſtery. He afterwards found, that *Bernardo* had writ to *Franceſco*, to deſire he would preſs *Antonio* to diſpatch this *Quadrageſimale*: That the nine hundred Crowns were ready for him, and that he might depend upon the twelve thouſand Crowns more, and

and even upwards. In ſome of the Letters he ſaid, he had ſpoke with the Signior *Padre*, (the Lord Father) in other places, with *il Fratello*, the Brother, none of whom, it afterwards appear'd, were under the Degree of Cardinal; that the General of the *Servites* bid him not fear any thing, and that they all wiſh'd for this *Quadrageſimale*.

Theſe Letters being ſhewn to Father *Paul*, he immediately ſuſpected the Purport of them; however, he earneſtly deſir'd *Fulgentio* not to take the leaſt notice of any thing, till they ſhould have got more Inſight into the Affair; ſaying, that he, in the mean time, would remove *Antonio* from his Service. *Fulgentio*, nevertheleſs, carried this Packet, (conſiſting of eight Letters at leaſt) to one of the Inquiſitors of State; upon which, *Franceſco*, and afterwards *Antonio*, were ſeiz'd.

An Enquiry being made into this Matter, it appear'd, that, under the Word *Quadrageſimale*, three Attempts were conceal'd.

The firſt was this: As the Father, on account of a Relaxation of his *Sphincter Ani* (the Gut which ſerves to keep in the Excrement) was oblig'd to have that Part ſhav'd once a Week, and would not truſt any Perſon on this occaſion, but his Servant *Antonio*; this Friar ſhould take this Opportunity of giving Father *Paul* a mortal Wound with the Razor... But *Antonio* excus'd himſelf with ſaying, That he always fainted away at the ſight of Blood; and farther, that he could not be ſo hard-hearted, as

to

to murder his Benefactor in ſo barbarous a manner.

The ſecond Attempt was, the ſending of Poiſon from *Rome*, to mix with the Father's Victuals or Drink, *perche con una fava havrebbono preſe due Colombe*, as they expreſs'd it; that ſo, * they might catch two Pidgeons with one Bean: By which was meant, that Father *Paul* and *Fulgentio* might both be ſent out of the World with the ſame Doſe. But this was judg'd too hazardous, as it would be ſcarce poſſible to poiſon the two Fathers in queſtion, without diſpatching thirty more at the ſame time, ſince the ſame Eatables were prepared for all, without diſtinction; not to mention, that all ſuch as were given to the two Fathers, were always inſpected very carefully, ever ſince they both had been taken very ill, with eating only a little Bisket.

The third Attempt, which the two Friars approv'd as moſt eaſy and ſafe, was, that *Antonio* ſhould take off the Prints of the Keys of the Father's Cell, with the Wax above-mentioned; and that afterwards, getting other Keys made, he ſhould let in Ruffians in the Dead of Night, to murder the innocent Father in his Bed: A horrid Crime, which Heaven was pleaſed to diſcover in the manner above related!

This Affair being brought before the Council of Ten, they pronounced as follows; That *Franceſco* ſhou'd be hang'd, unleſs he, in a

* *Kill two Birds with one Stone.*

a certain time mentioned in the Sentence, ſhould make a Diſcovery of the whole Conſpiracy; upon which Condition, he ſhould be impriſon'd only for twelve Months, and afterwards be baniſhed for ever from the Dominions of the Republic.

The Senate alſo caus'd his Chambers at *Padua* to be ſearch'd, in a private Corner of which, ſuch Letters and Cyphers were found, as ſufficiently clear'd up the dark Scene; and, at the ſame time, brought to light many other Particulars: All which, ſays *Fulgentio*, the Senators, from the Reſpect they bore to Religion, were very induſtrious in concealing.

Notwithſtanding the Blackneſs of this Attempt, Father *Paul* preſerv'd his uſual Humanity and Compaſſion, and begg'd on his Knees, that the Criminals might not be put to death. 'Tis thought, that the Commutation of the Sentence was owing to his Intreaties; notwithſtanding which, the Inveteracy of the Clergy againſt him increas'd; whilſt he, on the other ſide, grew ſtill more and more into the Eſteem of the Republic, and of all good Men.

Several other Conſpiracies were afterwards form'd againſt his Life, ſome of which were revealed to him, by thoſe who did it in the view of being rewarded; and others were diſcover'd by the Inquiſitors of State. One of theſe Plots was, To carry him off, alive, out of the Dominions of the *Venetians*; but this Deſign was afterwards laid aſide.

It

It may not be improper to be a little more particular in the following Relation. A young Man arrived at *Venice*, in a military Dreſs; but, behaving very aukwardly in it, was ſuſpected to be a Prieſt in diſguiſe. This Man imploy'd every Artifice to get to the Speech of Father *Paul*, upon pretence that he wanted to inform him of ſome Particulars which concerned his Life; ſaying, that he would willingly conſent to come unarmed into his preſence. He always ſpoke to *Fulgentio* on theſe Occaſions; and, at laſt, told him, that he was a near Relation of Cardinal *Baronius*, but had loſt his Favour. *Fulgentio* aſſuring him, once for all, that he cou'd never be admitted to the Father; but that he (*Fulgentio*) had Money at his Service, in caſe he wanted ſome: the Man was aſtoniſhed at the Offer; when, fixing his Eyes ſtedfaſtly on *Fulgentio*, he cried, *Guardatevi da Traditori, che n' havete biſogno*, &c. *Take care of Traitors! God preſerve you all; for I find you are not ſuch People as you are repreſented.* A little after this he left *Venice*, and was never heard of afterwards.

Cardinal *Bellarmine*, tho' engag'd in a different Party from Father *Paul*, he yet always diſcover'd the utmoſt Veneration for him; whilſt the Father, on the other ſide, had the higheſt Eſteem for the Cardinal.

This Prelate, among other Teſtimonies of his Friendſhip, deſir'd a Gentleman of *Rome*, then at *Venice*, to preſent his Service to the Father, and to intreat him, in his Name, to take care of

of his Person; declaring, that it was of the utmost consequence to him to be upon his guard. Another Instance the Cardinal gave of his Affection for the Father, was, his refusing to countenance a Libel, entitled, *The Life of Father Paul*, which the Pope had order'd him to examine. For, upon the Cardinal's assuring *Paul* V. that he knew the Father to be a Man of the most consummate Virtue, it was suppress'd. The Author of the Libel, who afterwards was rais'd to considerable Dignities in the Church, being discover'd, Father *Paul* wou'd never suffer him to be prosecuted: Nevertheless, after the Father's Death, he was obliged to leave the *Venetian* Territories.

And now the Pope being informed, by Persons on whose Veracity he relied, of the Father's great Learning * and Virtue, was pretty well reconcil'd to him; and express'd his Satisfaction at the Decision made by him in the Affair of the Bishop of *Tine*, against whom some Inquisitors had complained. The Pope cou'd not forbear saying, on this occasion, that he had ever heard, from all hands, that Father *Paul* was a passionate Lover of Justice; whilst, on the other side, the Father wish'd the Pope a long

* The Character Sir *Henry Wotton* gives of Father *Paul*, is as follows; "He was extremely humble, excellent in Positive, excellent in Scholastic and Polemical Divinity; a rare Mathematician, even in the most abstruse Parts thereof, as in Algebra and the Theoricks; and yet withal so expert in the History of Plants, as if he had never perus'd any Book but Nature; lastly, a great Canonist, which was the Title of his ordinary Service with the State."

Life

Life, and that he might ſurvive him; ſaying, That his Succeſſor wou'd certainly revive the Quarrel.

Notwithſtanding the great Animoſity of the Court of *Rome* againſt the Father, 'tis certain, that its moſt illuſtrious Prelates always expreſs'd the higheſt Regard for him. Among others, Cardinal *Bellarmine* cou'd not forbear declaring in public, That the Father might have been of great ſervice to the Church; but that they had only given him a dry Flower to ſmell at, *à naſare un fiore ſecco.* However, many Perſons thought him a Hypocrite*; but, ſays *Fulgentio*, his whole Conduct prov'd the contrary, he never uſing any of thoſe Actions which Hypocrites perform ſo induſtriouſly in public; ſuch as, the making a Parade of his Beads in the Streets, kiſſing Medals as he was walking, ſhewing himſelf among a great Concourſe of Peo-

* Biſhop *Burnet* tells us, in the Life of Biſhop *Bedell*, "When one objected, that "he (Father *Paul*) ſtill held "Communion with an ido-"latrous Church, and gave it "credit, by adhering out-"wardly to it; by which "means, others, who depen-"ded much on his Example, "wou'd be likewiſe encou-"rag'd to continue in it; all "the Anſwer he made was, "*That God had not given him* "*the Spirit of* Luther." Theſe Aſſertions, and thoſe of *Fulgentio*, in different Parts of Father *Paul*'s Life, make a perfect Contraſt .... *Mark Anthony de Dominis* ſays as follows of Father *Paul*; "He "heard with Uneaſineſs any "indecent Reflections on the "Church of *Rome*, and yet "he ſhew'd an earneſt Diſſent "from thoſe who regard its "Abuſes and Corruptions as "ſacred Inſtitutions. He was, "however, a ſteady Adherer "to, and a conſtant Follow-"er of the Truth; and thought "it his Duty to receive and "embrace it, wherever he "found it."

ple,

ple, talking in an affected Strain of Piety, or wearing a dirty, tatter'd Habit.

Father *Paul* only ſmil'd, when he was told by others, the ſeveral diſadvantageous things which were ſpoke of him; and particularly, upon his being inform'd, that the Nuncio's declar'd him to be the moſt wicked Wretch that ever liv'd, he laugh'd, and ſaid: "They neceſ-"ſarily muſt entertain ſuch an Opinion of me, "becauſe I am the very oppoſite to them; and "if they are ſo very perfect, they conſequent-"ly muſt conſider me as the vileſt Creature up-"on Earth." Monſieur *de Villiers*, aſſuring him, that he was accus'd of Hypocriſy by the Nuncio, he begg'd that Gentleman (by a Friend of his) the next Time that ſuch an Aſſertion ſhou'd be advanc'd, to deſire the Nuncio to point out ſome Characteriſticks which prov'd him a Hypocrite. Accordingly, the Nuncio was ask'd; and, not being able to make good his Charge in a ſingle Inſtance, he was quite confounded. Nevertheleſs, Father *Paul* was ſo affected with theſe Imputations, that he conjur'd an intimate Friend of his, to inform him very rigorouſly, of all his Failings; and eſpecially, to be ſo ingenuous as to declare, whether he diſcover'd any thing in him, that look'd like Hypocriſy.

After the Interdict, this pretended Hypocriſy, and ſuch-like Accuſations againſt Father *Paul*, were often talk'd of both in the *French* and *Spaniſh* Courts. *Contarini* the illuſtrious *Venetian*, and Cardinal *Ubaldini*, the Pope's Nuncio, uſed frequently to engage at the former Court, in very warm

warm Diſputes, on this account: *Ubaldini* inveighing always againſt him with the utmoſt Rancour, while *Contarini*, who knew him perfectly, undertook his Defence with all the Zeal of a ſincere Friend. But no one exclaim'd with ſo much Virulence againſt the Father, as *Maffeo Barberino*, the Pope's Nuncio at the Court of *France*. He was for ever crying aloud, That Father *Paul* was a worſe Wretch than either *Luther* or *Calvin* *, and therefore deſerv'd to be aſſaſſinated. This Nuncio diſcover'd, that the Father carried on a Correſpondence with ſome Counſellors of the Parliament of *Paris*, and the Doctors of the *Sorbonne*, who vigorouſly oppos'd the Uſurpations of the Church of *Rome*, over the Liberties of the *Gallican* Church. Father *Paul* indeed wrote Letters to *Gillot*, *Salmaſius*, *L'Eſchaſſier*, *Servin*, *Richer*; and even to the great *Caſaubon*, when 'twas reported every where, that he intended to turn *Roman* Catholic †. However, the only Purport of

* Mr. *Jurieu*, in his *Paſtoral Letters*, ſays, "Father "*Paul* knew the Corruption "of the *Roman* Church, at "leaſt, as well as *Luther*; "made no ſecret of it; and "no eminent Proteſtant paſs'd "by *Venice*, to whom he did "not diſcover himſelf con-"cerning it." The Father, when ſtrongly urg'd to break with the Church of *Rome*, wou'd own, "That God had "not given him the Heart "and Spirit of *Luther*." This does not agree, in any manner, with what *Fulgentio* aſſerts of Father *Paul*, in different parts of his Life.

† The Writer of Father *Paul*'s Life in *Engliſh*, abovemention'd, has committed a notorious Miſtake, in declaring, *Page* xliv. That the great *Caſaubon* turn'd Papiſt. A Report (which was groundleſs) had indeed prevail'd, That he was going to be a Convert to Popery; "but 'tis univerſally known, "that he did not turn." *Fulgentio's*

of these Letters was, to inform himself of the Points debated between the secular and ecclesiastical Jurisdictions: Notwithstanding which, *Barberino* reported every where, that all those who corresponded by Letter with the Father, were Hereticks.

The Circumstance that most exasperated his Enemies, was, the certain Impossibility of their being ever able to corrupt him by Money, which, 'twas well known, he had always despis'd. The only thing, therefore, of which they could accuse him, with the least Shadow of Probability, was, his having a strong Thirst after Fame. "This, as *Fulgentio* has prettily express'd it, "was the only place in which these Wasps fix'd "their Stings, after buzzing a long time about "him; to discover, if possible, some other "part on which they might discharge their "Venom." *Il putrido, dove tutti questi vesponi quà e là svolazzando finalmente si fermavano.* But the whole tenor of his Life prov'd him to be averse to Fame and Ambition of every kind; and indeed, he us'd to say often, in a pleasant way, *Chi camina sù le Zanche, ò sede in alto, non minuisce fatica, mà sta più in pericolo, i. e.* "He who walks on Stilts, or sits a-"loft, undergoes no less fatigue than those "who stand below; and, at the same time, are "more expos'd to Danger." The great Disinclination he had ever, to print any of his Com-

gentio's Words are these ..... *da* Casaubone *quando era fa-* *stante che si facesse Cat-* *tolica.* The English of which I have given in the Text.

positions,

positions, shew how little desirous he was of Fame. 'Tis also well known, that he wou'd not suffer himself to pass for the Inventor of several very useful Mathematical Instruments, (the * Thermometer in particular) that were certainly found out by him; an evident Proof, how unambitious he was of making a noise in the World.

'Twas a great Loss to the Curious, says *Fulgentio*, "That when Father *Paul* had projected an "Instrument, with regard to the turning of the "Earth, (which, having been believ'd antiently, "was reviv'd by *Copernicus*) to explain all the "Phenomena by a single Motion; that Artists "cou'd not be found, to make him an Instru-"ment to exhibit the whole to the Eye."

Altho' several Kings and Princes had desir'd him to sit for his Picture, he always excus'd himself; so that all the Portraits of him were taken at random; he having even refus'd to oblige his very intimate Friend, the learned and illustrious Signior † *Molini*, in this Particular, tho' he earnestly conjured him to it, by all the Ties of Friendship: And indeed, this Senator was so

* *Fulgentio* seems to be in an error here; the invention of this Instrument being commonly ascrib'd to *Robert Flud*. But some others declare, that one *Drebel*, a Peasant of *North Holland*, who had been sent for into *England*, first discover'd it.

† We find, that Sir *Henry Wotton*, when Ambassador at *Venice*, got the Picture of Father *Paul*. "I make bold, "(says Sir *Henry*) to send you "a true Picture of *Padre Paolo*. the *Servita*, which was "first taken by a Painter, "whom I sent *unto Him* from "my House, then neighbour-"ing his Monastery." This seems to hint, in some measure, as tho' Father *Paul* had really sat for his Picture on that occasion.

highly diſguſted at the refuſal, that he did not ſpeak to the Father for ſeveral Months.

Father *Paul*'s ſincere Zeal and Attachment to the Intereſt of his Country were ſo well known, that the Republic indulg'd him an Honour which had never been granted to any of it's Conſultors, *viz.* the having free Acceſs to all the Apartments in which their Records are kept; and to both the ſecret Cabinets, to peruſe the Writings, Regiſters and moſt private Deliberations of the State. Here he ſhew'd the prodigious ſtrength of his Memory, for he cou'd immediately turn to any Page he wanted in thoſe almoſt innumerable Volumes; they containing the fundamental Laws of the Republic, all their Treaties of Peace, their Truces and Alliances; as alſo an Account of moſt of the Intrigues of State in the ſeveral parts of *Europe*, during ſeveral Centuries; beſides the various Changes and Revolutions which have happen'd in the different parts of Chriſtendom; the whole written in *Gothic* Characters, which are very hard to read.... Father *Paul* drew up Indexes to many of them.

Fulgentio deſcends ſo far to particulars, as to relate the ſeveral Changes and Alterations made in Father *Paul*'s Health, and the various Diſeaſes with which he was afflicted. On one of theſe Occaſions he gives the following Inſtance of his Reſolution: " Father *Paul*, when a young " Man, coming on horſeback from *Lombardy* to- " wards *Padua* in the hotteſt Seaſon of the Year, " was attack'd by a terrible Squincy. Immedi- " ately he ſent for a Surgeon to bleed him, who

" abſolutely

" abſolutely refus'd, unleſs a Phyſician ſhould " preſcribe. The Father uſed all the Argu- " ments poſſible, but to no purpoſe, to make " him comply with his Requeſt; and the Inflam- " mation growing very painful, he ſeem'd to " acquieſce with the Surgeon: but deſiring to " ſee the Lancet, whilſt the Phyſician was " ſending for, upon pretence of trying whether " it was ſharp enough; he took the Inſtrument, " and was going very reſolutely to open a Vein, " which the Surgeon ſeeing, he himſelf bled the " Father, and ſo gave him immediate Eaſe."

We obſerved, that he had applied himſelf intenſely to the Study of Phyſic; and it appears that he very ſeldom made uſe of the Preſcriptions of the Faculty, he being his own Doctor. 'Tis ſaid, that he did not approve of the vulgar Methods employ'd on many Occaſions. " *Fulgentio* " tells us, that he look'd upon it as certain, and " uſed to declare publickly, that the Practice in " his time, of ordering ſo ſudden and total a " Change in Diet and in Action, with ſuch fre- " quent Purgings, cou'd have no other Effect " but to emaciate the Body, and prolong the " Diſeaſe; and that it particularly was of dange- " rous conſequence to aged People, to change " their uſual way of Life, becauſe this wea- " ken'd very much the ſeveral Organs; and that " the taking to one's Bed, and refraining im- " mediately from Suſtenance, enervated the " Body very much." We find that the Methods he employ'd to cure himſelf were always very ſucceſsful; and that, tho' he was of ſo very delicate

a Conſtitution, he nevertheleſs uſed to recover on a ſudden.

Being taken very ill in his 61ſt Year, the Senate order'd the ableſt Phyſicians of the Country to attend him. The famous *Sanctorius*, his intimate Friend, having given him over, contrary to the Father's Opinion of himſelf; and he afterwards mending, and *Sanctorius* going to feel his Pulſe, Father *Paul* refus'd, and ſaid with an Air of pleaſantry, " What! you " now want to careſs me, when a Moment be- " fore you ſentenc'd me to die." The ſerious Fra. *Fulgentio* does not omit the following ludicrous Stroke: " This great Phyſician (*Sanc-* " *torius*) adviſing him to drink Aſſes Milk;" " Very pretty indeed, ſays Father *Paul!* for me " who am upwards of threeſcore to claim kin- " dred to an Aſs." *Che bel conſiglio d'un amico, di volerlo imparentar con gli Aſini, adeſſo ch' era più che ſeſſagenario.*

Father *Paul*'s Name, ever ſince the Interdict, was become very famous all over *Europe*; ſo that many great Perſonages went into *Italy*, purely to get a ſight of, and converſe with Him. Several Kings honour'd him with their Letters, and oblig'd their Children to viſit him in their Travels; and one of theſe charg'd the Prince his Son not to forget to ſee that little Eye of the World, *Orbis terræ Ocellum*, as he call'd Father *Paul*. And * *Aarſens*, the *Dutch* Ambaſſador, at

* See his Article, Remark (C) in *Bayle*'s Dictionary, where we are told on the credit of *Pallavicino*, " that a " Secretary of the Prince of O- " *range*, happening to be preſent " in

at *Venice*, happening to see the Father by accident, when he was at an Audience; he told the Senator, who kept him Company, "That he "was so well pleas'd at his having got a sight "of Father *Paul*, who was justly thought to be "the greatest Man in *Europe*, that he should "return home with prodigious Satisfaction, "tho' he should not be gratified in any of his "Demands; fully perswaded, that he now had "been well rewarded for all the Fatigues of his "Journey, and the Expences of it." *Fulgentio* assures us, that two Kings made him very advantageous Offers, and sollicited him very strongly to come and reside in their Dominions.

Among the several Conferences which Father *Paul* had with Persons of Distinction, none was more remarkable than that in which he engag'd with the Prince of *Conde* in 1622, the Year before the former died. This Prince, after having in vain endeavour'd to get to the Speech of the Father, was at last permitted to discourse with him, in presence of several Senators, in the Palace of the noble *Venetian*, *Contarini*. The whole Conference was taken down in Writing; and the Substance of it, as given by *Fulgentio*, is curious enough. The Prince wanted to know Father *Paul*'s Opinion concerning the several Sects of

"in *Venice*, at an accidental Interview of the Sieur *de Sommerdick* the *Dutch* Ambassador and Father *Paul*; the latter complimented this Minister with saying, that he was overjoy'd to see the Representative of a Common-wealth, which look'd upon the Pope as the true Anti-christ." But *Pallavicino*'s Authority may be justly suspected.

that Age, particularly that of the Proteſtants of *France,* which he ſaid was very prejudicial to the State. He alſo ask'd his Sentiment with regard to the queſtion concerning the Superiority of Councils over the Pope; what Idea he had of the Liberties of the *Gallican* Church; whether he believ'd it was lawful to join in offenſive and defenſive Leagues with thoſe of a different Faith; how far the Bounds of excommunicating Princes might extend; and above all, he deſir'd to be told the true name of the Author of the *Hiſtory of the Council of* Trent, which indeed was the only Motive of his ſuing for this Conference. On this occaſion we ſhall find the Father made the moſt prudent and ſagacious Anſwers.

With regard to the *French* Proteſtants, he avoided very artfully the giving his Opinion concerning them, by obſerving to the Prince, that his ther and Grandfather, who both were renown'd for their Wiſdom and Valour, had join'd with thoſe of that Perſuaſion; which Anſwer ſtopt this witty Prince at once, he knowing very well the Aim of it.

The Father diſengag'd himſelf as happily from the ſecond Queſtion, by referring the Prince to the Judgment of the *Sorbonne* on that head; as he did likewiſe with regard to the third Article, ſaying, that the Parliaments of *France,* and even the *Sorbonne,* had always been of opinion, that every Church has it's own immediate and natural Liberties; obſerving by the way, that the *Gallican* Church had more ſtrongly oppos'd the Uſur-

Uſurpations of *Rome* than any other. As to the fourth Queſtion, all he anſwer'd was; that Pope *Julius* II. had employ'd *Turks* in the Siege of *Bologna*, and *Paul* IV. made uſe of the *Griſons* at *Rome*; and that the Pope call'd the latter, tho' of a different Perſuaſion, *Angels ſent from Heaven to deliver him.* He expatiated much more on the Excommunication of Princes, obſeving among other Particulars, that had the Popes only forbid Princes the Sacrifice of the Maſs and other Offices of the Church; in that caſe Controverſies and Diſputes wou'd not have been carried to ſuch a height: But that the chief Subject of the Complaint made by Princes was, that upon pretence of Excommunications, (which have never been but Puniſhments purely ſpiritual) the Popes had aſſum'd to themſelves a Power of exciting the Subjects of ſuch Princes as were excommunicated, to Rebellion; of diſcharging 'em from their Oath of Fidelity, and from the Subjection they owe them, by Laws both Divine and Human; nay, of dethroning, and even procuring 'em to be aſſaſſinated. As to the laſt Article, relating to the *Hiſtory of the Council of* Trent*, the Father knowing the Prince

* We find, by *Fulgentio*, that *Camillo Olivo*, Secretary to one of the Legates at the Council of *Trent*, gave Father *Paul* great Light into the Tranſactions of this Council; that Secretary having had a conſiderable ſhare in all the Negotiations of it, the moſt ſecret Particulars of which were known to him; he had ſhown the Father ſeveral Writings and Memoirs, in the peruſal of which the latter took great pleaſure: and that, becauſe this Council, which had employ'd the Attention of all Chriſtendom ſo many Years, being

Prince was the firſt Perſon in *France* who had declar'd him to be the Author of it, he only ſaid; *They at* Rome *know very well who it was writ by:* which was the only Anſwer the Prince could get from him *. This is the Subſtance of the whole Conference †; and yet ſome Perſons were ſo malicious, as to give out, that the Prince in diſputing with the Father had put him to a nonplus.

"Among other Calumnies, ſays *Fulgentio*, pub-
" liſh'd, not only by the hireling Writers of the
" Court of *Rome*, but even by Cardinal *Baronius*,
" *Bellarmine* and others, one was, that a Deſign
" was form'd to change the eſtabliſh'd Religion

being but lately ended, had rais'd the Curioſity of all Perſons, who wanted to know the Truth of the ſeveral Particulars. No one was more inquiſitive on this Occaſion than Father *Paul*, who took down Notes of all he then heard.

* This Work, firſt publiſh'd in *London* (as was before obſerv'd) was dedicated to King *James* I. by *Mark Anthony de Dominis*, Archbiſhop of *Spalato*. The Manuſcript was brought over from *Italy* by Mr. *Bedell* (afterwards a Biſhop) who had prevail'd upon *Mark Anthony de Dominis* to come to *England* with Him. Biſhop *Bedell* afterward tranſlated the two laſt Books of that Hiſtory. . . . But according to Dr. *Walton*, in his Life of Sir *Henry Wotton*, "The Conteſt
" betwixt the Pope and the Re-
" public was the Occaſion of
" Father *Paul*'s Knowledge of,
" and Intereſt with King
" *James*; and for his ſake he
" compil'd the *Hiſtory of the*
" *Council of* Trent, which, as
" faſt as it was written, was
" ſent in ſeveral Sheets, in
" Letters, by Sir *Henry Wot-*
" *ton*, Mr. *Bedell*, &c. to King
" *James* and the Archbiſhop
" of *Canterbury*; and publiſh'd
" here (in *London*) both in
" *Engliſh* and *Latin*." Thus we find a variation in theſe two Accounts, with regard to the manner of ſending over the Manuſcript.

† This Conference is mention'd in a Letter of Sir *Henry Wotton*.

" of

" of the Republic; and that the Schism was al-
" ready begun, by its refusing Obedience to the
" See of *Rome**." *Fulgentio* afterwards gives several Reasons to invalidate this Report, and endeavours to prove that the *Venetians*, and particularly Father *Paul* †, had on all Occasions shown the utmost Zeal for the true Roman-Catholick Religion; and that the Opposition they made, was levell'd only at the unjust and exorbitant Incroachments of the Court of *Rome*.

Some of its Emissaries likewise accus'd Father *Paul* of Atheism; but, says *Fulgentio*, " not
" to mention that the strictly pious Life he had
" led from his Infancy sufficiently refuted so
" abominable an Imputation; it would be
" the highest Reflection on his unbounded
" Knowledge, to imagine he could have enter-
" tain'd such Principles; and it cannot be de-
" nied, continues this Author very judiciously,

* According to Dr. *Walton*, in the Life abovemention'd, the Report of the *Venetians* being inclin'd " to " turn Protestants, obtain'd the " more Credit, because Sir " *Henry Wotton* was often in " Conference with the Senate; " and his Chaplain, *Bedell*, " more often with Father " *Paul*." According to *Morhoff*, " Father *Paul*, whom he " call'd the Phœnix of the Age, " wrote to *Isaac Casaubon* in " *England*, to make Interest for " him with the King, if the " ill state of Affairs should " oblige him to leave *Venice*."

† We find by the *Reliquiæ Wottonianæ*, that Father *Paul* had a great Esteem for our Bishop *Bedell*, " a Man whom " Padre *Paolo* took, I may say, " into his very Soul, from " whom he profess'd to have " receiv'd more Knowledge " in all Divinity, both scho- " lastical and divine, than from " any he had ever practis'd, (been acquainted with, I sup- pose) " in his Days" ... According to Bishop *Burnet* and other Writers, Father *Paul* highly approv'd of the Protestant Religion; which no way agrees with *Fulgentio*.

" but

" but that thoſe who, like Father *Paul*, are moſt " profoundly skill'd in ſecond Cauſes, are moſt " capable, as well as moſt inclin'd, to have the " higheſt Veneration for the firſt Cauſe."

Thus eminent for his Learning and Virtue, the Reader will naturally ſuppoſe that he was dear to all the Senators; " and indeed, ſays *Ful-* " *gentio*, we may affirm with certainty, that " no Man will ever have ſo much reſpect " ſhown him by them, unleſs it ſhou'd pleaſe " Heaven to ſend a ſecond Father *Paul*, who, in " one reſpect, may be conſider'd as even ſu- " perior to *Socrates*." The young Nobility found great Benefit from his Converſation, which compriz'd the whole Archives, the Library, and all the ſecret Hiſtories of the Republic; and even the Quinteſſence of *Tacitus*, *Polybius*, *Xenophon*, *Thucydides*, and whatever elſe is neceſſary towards acquiring a perfect Knowledge of State-Affairs.

But among all the Noblemen, there was none for whom Father *Paul* had ſo high a Regard as *Marco Triviſano*, who after laying aſide the Thoughts he once had entertain'd of riſing to public Employments, had devoted himſelf entirely to the Study of moral Philoſophy, and all thoſe Sciences whoſe Object is the improving of Mankind in Virtue. The Father delighted ſo much in this Nobleman's Converſation, that he was allow'd acceſs to him in his Monaſtery at all times; a favour he denied to every one elſe *.

* Biſhop *Burnet* ſays, this was allow'd only to Biſhop *Bedell*. *See his Life of that Prelate.*

at

On the other ſide, Father *Paul* was ſo free with *Signior Marco*, that whenever he was buſy, he wou'd ſay; Be ſo good, Sir, as to leave me. One Circumſtance which the Father eſteem'd particularly in this Gentleman, was, his uncommon Love for Truth, and his great Frankneſs and Sincerity; which would ſometimes prompt him to tell the Father his Errors, tho' always with an Air of the utmoſt Softneſs and Candour. "You are call'd, ſaid he once to him, "the abſolute Maſter of your Paſſions; yet in "my Opinion you have as many as other Men, "but only they appear under a different Form in "you. For your retirement perpetually to the "ſecret Chambers of the Republic, there to "peruſe ſuch Books as your ſelf only can de-"cypher; the Reſolution you have form'd to "never quit your Cell but when forc'd to it; "and your intenſe Application to reading and "writing, is as much an Intemperance, as was "the ſtrong Paſſion I formerly entertain'd for "Women and Gaming, tho' they appear very "different in the Eye of the World." Here *Fulgentio* relates at large, the rare and uncommon Friendſhip which was between *Marco Triviſano* and one Signior *Barbarigo*.

Learning, which is but too apt to inflate the Mind, had a contrary Effect on Father *Paul*; his Humility increaſing with his Knowledge, as he thereby became better acquainted with human Nature, in which we may affirm no Man was ever better skill'd. So exceſſive was his Modeſty, that he would bluſh even when he was applauded for

for thoſe Virtues and Accompliſhments, which he could not but know he really poſſeſs'd. Of this we ſhall give only the following Inſtance. The Father had a great Eſteem for a certain Gentleman, who was equally eminent for his Probity and fine Talents; and yet he did all that lay in his power to ſhun his Company, becauſe he always ſaluted him with theſe Words, *Illuſtriſſimo Padre, Moſt illuſtrious Father*; a Title that Gentleman thought juſtly due to his rare Talents and exalted Virtue. *Fulgentio*, at Father *Paul*'s requeſt, afterwards deſiring this Gentleman not to addreſs him in that manner, he anſwered, To whom then may we give that Title, if it muſt be refuſed to that Angel? And whenever he uſed to enquire about the Father, his Expreſſion was, *Che fà quell Angelo del Paradiſo? What is that Angel of Paradiſe doing?*

Yet ſome thought the Father's Mind was of too ſevere and unſociable a Caſt; but, however this be, ſays *Fulgentio*, 'tis certain, that, by Study and Reflection, he grew extremely civil and courteous; inſomuch, that he was never heard to imploy any harſh or contemptuous Expreſſions againſt any one.

If a Perſon, who was diſputing with him, fell into an Error, he always ſtrove to put him in the right way, in the moſt obliging manner.

A Proof how much he had the Peace of his Country at heart, was, that tho' the Senate reſolv'd to protect him againſt any Attack, from what quarter ſoever, he yet was extremely deſirous, that the Republic might not ſuffer, in any manner,

manner, upon his account. *Gregory* XV. having ſucceeded *Paul* V. in the Pontificate; and the *Venetian* Ambaſſadors congratulating him on his acceſſion, he anſwered, That there never would be a firm Union between the Apoſtolical See and the Republic of *Venice*, ſo long as the latter ſhou'd make uſe of Father *Paul's* Counſels. The Father no ſooner heard this, but he firmly reſolved to leave the *Venetian* Dominions, rather than be the occaſion of any new Broil. And becauſe neither his Religion or Conſcience wou'd ſuffer him to lay violent hands on himſelf; that he cou'd not retire into the Dominions of any of the Proteſtant Princes, without running the hazard of being thought a Convert to their Religion; and that he cou'd not be ſafe in any other *Roman* Catholic Country; he therefore was determined to withdraw to *Conſtantinople*, or ſome other City in the Eaſt: and accordingly, he had begun to prepare for his Voyage, after having made all the Enquiries poſſible about thoſe Countries. He even had obtain'd a Paſſport from the Grand Signior; but the Pope's Animoſity ceaſing, the Father laid aſide his Deſign *. Nevertheleſs, he uſed

to

* "When the Reconciliation with *Rome* was concluded, Father *Paul* was out of all hopes of ever bringing things to ſo promiſing a Conjuncture;" (a Reformation) upon which, he wiſh'd he cou'd have left *Venice*, and come over to *England* with Mr. *Bedell*; but he was ſo eſteem'd by the Senate for his great Wiſdom, that he was conſulted by them as an Oracle, and truſted with their moſt important Secrets; ſo that he ſaw it was impoſſible for him to obtain his *Conge*; and therefore he made a ſhift to comply, as far as he cou'd, with

to ſpeak afterwards, of the great Pleaſure he ſhou'd have receiv'd from viſiting foreign Countries, a Pleaſure he panted after in his Youth: For tho' no Man was ever better skill'd in Hiſtory and Geography than Father *Paul*, he yet uſed to ſay; that Information from Books or Travellers, was but a mere ſhadow, in compariſon of what might be ſeen and learnt upon the ſpot. Not long after, *Gregory* XV. dying, he was ſucceeded by *Maffeo Barberino* (*Urban* VIII.) whom we mentioned before, as Father *Paul*'s irreconcilable Enemy; however, Heaven wou'd not permit this excellent Man to be the Object of that Pope's Malice.

Being now (*Anno* 1619.) in his 69th Year, in good Health, and with all his Faculties in full vigour, he felt, as he was ſitting in his uſual Place in the ſecret Chamber at *Venice*, a ſudden change in himſelf, from Heat to Cold, inſomuch that he grew immediately hoarſe; and was ſo ſtrangely benumb'd, that tho', as he ſaid, he had never had a Catarrh before, he now was troubled with one for three Months ſucceſſively, during which the Fever never left him: This weaken'd him very much; whence he concluded, that he ſhould never recover. So that conſidering this as a Warning from Heaven, that his Soul would ſoon leave his Body, he applied himſelf more

" with the eſtabliſhed Way of " their Worſhip; but he had, " in many things, particular " Methods by which he rather " quieted than ſatisfied his Con- " ſcience... He never prayed " to Saints..." So far Biſhop *Burnet*, in his Life of Biſhop *Bedell*. How different is all this from what Father *Fulgentio* aſſures!

in-

intenſely than ever to the Duties enjoin'd him by his Religion, and engag'd only in ſuch public Affairs, as he was abſolutely obliged to by his Employment. He now gave his Servants leave to go out very often; and theſe, at their return, ever found him kneeling before a Crucifix, at the foot of which ſtood a Death's Head: However, that they might not imagine him to be at his Devotions, he always feign'd, as tho' he was engag'd in ſome Mathematical Purſuits.

This was his way of Life, till the beginning of the Winter 1622, at which time he was entred his 71ſt Year; when it plainly appear'd, by the Decay of his Spirits, and his great Weakneſs, that he was haſtning to his Diſſolution. His Hands and Feet grew cold as Ice; his Cheeks fell; his Lips, which before were very red, turn'd pale and livid; his Eyes ſunk, and loſt their uſual Vivacity and Fire. He now loath'd every kind of Suſtenance; and, tho' he had all his Teeth, they began to be of little uſe to him. He ſtoop'd in his Body, and it was a great pain to him to go in and out of his *Gondola.* His Dreams, during the few Intervals he had of Sleep, were not, as before, wild and incoherent, but diſtinct, natural, and rational; whence he concluded, that his Soul was preparing for its Flight. He no longer receiv'd a Pleaſure in hearing of Public Tranſactions; and the only Amuſement he ſeem'd to take, after his Devotions, was, to revolve ſome Aſtronomical Figures in his Mind; on which occaſion, he wou'd ſometimes ſay with a ſmile, *Quanti*

mondi . . ho fabricato nel cervello! "How many "Worlds have I forg'd in this Brain of mine!" For notwithſtanding his great Decay, he could not lay aſide his Studies, tho' reprimanded upon that account by his Friends, and particularly by *Marco Treviſano*; but all to no purpoſe. He now grew ſo very feeble, that he could not walk without a ſupport; ſo that he own'd he was really very ill, and was perſuaded that his End approach'd; about which he would often ſpeak with the moſt Chriſtian Unconcern, and ſeem'd, on thoſe occaſions, to wiſh for Death, as a Haven of Reſt and Tranquillity. Among the many Scripture-expreſſions uſed by him at this time, none was ſo often in his mouth as the following, *Nunc dimittis ſervum tuum, Domine*; *Lord, let thy Servant depart in peace.* And being told one day, that it would ſoon be time for him to nominate a Prior of the *Servites*; he anſwered, Order that matter as you pleaſe, for I ſhan't be among you.

It being now *Chriſtmas* Day, and *Fulgentio* wiſhing him, as uſual, many Years of Life, he replied, with an air of ſeriouſneſs which ſtrongly affected *Fulgentio*, that this would be his laſt. His Fever increas'd, and he grew much worſe, ſo that, on the 6th of *January*, he took a Doſe of Phyſic; which did him great prejudice, by his going, when ſent for, to the Palace. He went thither twice afterwards, but returned ſo ill the laſt time, that he could neither eat nor ſleep for two days, and yet he did not keep his Bed. The 8th, being *Sunday*, he roſe up, celebrated

lebrated Mass, din'd in the Refectory; and, a little after, walk'd about, for a long time, with Signior *Secchini*, who was come to visit him.

His Friend perceiving he was very much out of order, advis'd him to lie down, which he did, according to his custom, in his Clothes, on a Chest, with a Coverlet spread over it. Till the Day before he died, he always got up, dress'd himself, writ and read, as usual; and when he was not able to do this, he would lay himself along on his Chest, and hear others read. Being dress'd on the *Monday* Morning, he found himself deprived, as it were in an instant, of the use of his Limbs. At the same time, he had a violent *Nausea*, so that he could scarce get down a Cordial that was given him. Nevertheless, his Judgment and Memory were as perfect, and his Mind as cheerful as ever; insomuch that he said, the *Saturday* following, to his Friends who were about him, *Io v'ho tenuti consolati sinò ch' hò potuto, hora non posso più, e tocherebbe à voi tenermi allegro.* I have cheer'd you as long as I was able; and since 'tis no longer in my power to do it, you now must divert me.

On *Thursday* Morning, he desir'd the Prior of the Monastery to recommend him to the Prayers of the Fathers, and to bring him the Holy Sacrament. He then told the Prior, that as he had always liv'd in the Poverty of his Order, and did not pretend to any Property; he therefore begg'd him to dispose of whatever he should find in his Chambers. Accordingly, he gave him the Key of a Press or Scrutore, where-

in was all the Monies he had left of his Salary. He now roſe up, was dreſs'd, and made *Fulgentio* and *Marco* read our Saviour's Paſſion to him, on which he afterwards meditated very ſeriouſly. He often endeavoured to kneel, but his great Weakneſs wou'd not permit him to do it. Divine Service being ended, and the Bell ringing, all the Fathers, with Tapers in their hands, and the Prior at their head, went in Proceſſion with the bleſſed Sacrament, to Father *Paul*; who received it in ſo devout a Frame of Mind, that all the Fathers cou'd not forbear burſting into Tears.

Saturday, January 14. 1623. the Day he died, and the only one he paſſed in his Bed during his Illneſs, the Doge and Senate ſending for *Fulgentio*, and enquiring after Father *Paul*'s Health, the former anſwer'd, That he was a dying Man, and that nevertheleſs, all the Faculties of his Mind were as vigorous as ever. Hearing this, they order'd *Fulgentio* to ask the Father three Queſtions, relating to a very important Affair, and which requir'd the utmoſt Diſpatch. Father *Paul* cauſing his Amanuenſis to write down his Anſwers, they were ſeal'd up; and, being open'd in the Senate, were found to agree exactly with the Determinations of that illuſtrious Body; a Circumſtance, ſays *Fulgentio*, which ſufficiently invalidates the Report that was rais'd in the Houſe of a certain Eccleſiaſtick, *viz.* That Father *Paul*, for ſome time before he reſign'd his Soul to God, was depriv'd of his Speech and Senſes.

He

He receiv'd a great many Visits that day, as he had always done during his Illness. Growing still weaker, at Night, he caus'd the Chapter in St. *John*'s Gospel, relating to our Saviour's Passion, to be again read to him. He then protested, that he had nothing to present to God, which he could truly call his own, but Miseries and Sins; and therefore, that he relied entirely on Christ's Mercy. A Senator being come to visit Father *Paul*, who was too weak to give him (at the Senator's request) a Relation of his whole Illness; the Father made a Sign to *Fulgentio*, to oblige his Visitant in that particular. *Fulgentio* saying, among other things, *That the* Monday *before*, *Father* Paul *had been depriv'd of all his Faculties*; the Father lifted his Head from the Pillow, and cried, *How! depriv'd of my mental Faculties! Mancamento d' Animo.* Not so, replied *Fulgentio*, I mean only of your bodily ones; for those of your Mind have always continued in vigour. Afterwards, one of the Physicians telling the Father, that he found by his Pulse he had but a few hours to live; he answer'd with a cheerful Countenance, *Sia lodato Iddio*; *mi piace ciò ch' à lui piace*; *col suo aiuto faremo bene questa ultima attione*; "God be prais'd; what pleases "him pleases me: with his Aid, we shall ac- "quit our selves well of this last Action." The Physician afterwards sent him some Medicines, which he took that Evening.

He continued very cheerful, without shedding a Tear, or venting the least Groan; and used to cry at every little Interval, *Horsù*, *andiamo ove Dio*, *ci*

chiama; "Come, let us go where God calls us." He now began to faulter in his Speech; and ſpoke many things, which thoſe who were preſent could not underſtand, the following Expreſſion excepted; *Andiamo à S.* Marco, *ch' è tardi*; "Let us go to St. *Mark*, for 'tis late:" Which were the only Words utter'd by him without order or connection.

The Clock ſtriking Eight, he counted it; and, a little after, calling Father *Fulgentio*, he addreſs'd him in theſe Words, which quite pierc'd his Heart: *Horsù non reſtate più à vedermi in queſto ſtato, non è dovere. Andate à dormire, & io n'andarò à Dio, d'onde ſiamo venuti*: "Leave me; there is no occaſion for your ſtay, "now I'm in this condition. Go to ſleep, and "I'll go to God, whence we all came." After which he deſir'd a Kiſs from him, and a parting Embrace; which done, *Fulgentio* tore himſelf from his dear Friend and Maſter. And now the Prior came again, with the reſt of the Monks, who, kneeling round his Bed, repeated the uſual Prayers. The laſt Words he ever utter'd were theſe; *Eſto perpetua*; (*Be perpetual*;) which he applied to the Commonwealth he had ſo faithfully ſerv'd. And, a little after, throwing his Arms a-croſs, fixing his Eyes on a Crucifix, caſting them downwards and ſhutting them, he reſign'd his Spirit, with a kind of Smile, into the hands of his Creator.

Thus expir'd this excellent Man. The Particulars of his Death, ſolemnly atteſted by the whole College of the *Servites*, were publiſh'd

by order of the Senate; to defeat the infamous Report which was ſpread, *viz.* That he died yelling and howling; That a hideous black Dog was ſeen, and that horrid Noiſes were afterwards heard in and about his Cell. The like ſlanderous Rumours had been rais'd, to aſperſe the Memory of the moſt illuſtrious and excellent Doge *Leonardo Donato*; and to blacken thoſe, who, at the time of the Interdict, eſpous'd the juſt Cauſe of the Republic.

'Twas now ſaid, That had Father *Paul* writ in favour of the Court of *Rome*, he wou'd have infallibly been canonized. When the News of his Death was brought to that City, the Courtiers rejoiced; and a thouſand falſe and ſcandalous Particulars were rais'd concerning the Father. The Pope himſelf could not forbear hinting, that the Hand of God was viſible in the taking Father *Paul* out of the World; as tho' there was any thing miraculous in a Man's dying at ſeventy one Years of Age.

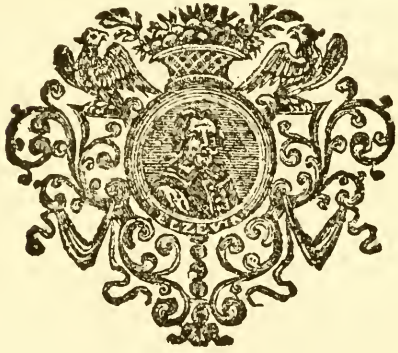
After the Account we have here given of the Father's exalted Talents and Piety, the Reader will no doubt be pleaſed to have a Deſcription of his Perſon: He was of a middle Stature; his Head very large in proportion to his Body, which was extremely lean: He had a wide Forehead, in the middle whereof was a very large Vein: His Eye-brows were well-arch'd, his Eyes large, black and ſprightly: His Noſe was big and long, but very even: His Beard was thin; and his Chin, in ſome places, bald of Hair, which yet was no ways unſeemly. He

had a ſoft Complexion, which, when he was in health, was form'd by an agreeable mixture of white and red, with a yellowiſh caſt that was no ways diſagreeable. His Aſpect, tho' grave, was, at the ſame time, extremely inviting; and he had a very beautiful Hand ..... We may depend on this Deſcription of Father *Paul*'s Perſon, ſince it was given by *Fulgentio*.

His Funeral was rendred magnificent, by the numerous Concourſe of Perſons of Diſtinction, and others, who attended his Corps to the Grave. 'Twas obſerved, that he look'd better in his Coffin, than when he was alive. So great was the Fame of his Sanctity, that Multitudes of People, after his Death, had the curioſity to viſit his Cell; and, ſeeing in it as many Marks of Poverty as in that of the meaneſt Friar, they were exceedingly edified; inſomuch, that ſome of the chief Senators call'd it: "A Paradiſe, to "which that Angel Father *Paul* us'd to retire." One of thoſe, who was fam'd for his Piety, broke into theſe remarkable Words: *E queſto il Padre, che li Prelati di ſanta Chieſa tanto hanno vituperato? E queſto ſarà cattivo, & eſſi li imitatori di Chriſto & de gl' Apoſtoli?* "Is "this the Father whom the Prelates of holy "Church have inveigh'd againſt ſo much? Shall "he be look'd upon as a wicked Man, and "they paſs for the Imitators of Chriſt and his "Apoſtles?" *Fulgentio* wou'd have erected a Monument to the Memory of his dear Friend, which the Community wou'd not allow, they themſelves reſolving to raiſe one; and afterwards

wards the Senate declared that it ſhould be done at the publick Expence, which yet was never perform'd.

" But Father *Paul*, ſays *Fulgentio*, will live " eternally in God, which is the only deſirable " Bleſſing. He alſo will live in the Memory of " Men, on account of his heroical Virtues; a " Remembrance that will outlaſt the ſtrongeſt " Monuments of Braſs or Marble."



BOOKS Printed for, and sold by J. *and* J. Fox, *at the* Half-Moon *and* Seven Stars *in* Westminster-Hall.

1. A New *French* Grammar, teaching a Person of an ordinary Capacity, without the help of a Master, to read, write, and speak that Tongue in less than Half the usual Time, in an entire new and easy Method, never before attempted. Price bound, 2 *s.*
2. The true State of *England*, containing the particular Duty, Business, and Salary of every Officer, Civil and Military, in all the Publick Offices of *Great Britain*. Together with an Account of the Government of the Cities of *London* and *Westminster* : With the Names of the Magistrates, *&c.* Price bound, 3 *s.* 6 *d.* stitch'd, 2 *s.* 6 *d.*
3. *Charron* on Wisdom, 3 Vol. Price 18 *s.*
4. Laws of Travelling. Price bound, 2 *s.* 6 *d.*
5. Holy Rules and Helps to Devotion, both in Prayer and Practice, in Two Parts: With Prayars before and after the Sacrament. The Ninth Edition. By the Right Reverend Father in GOD, *Bryan Duppa*, late Lord Bishop of *Winchester*, in the Time of his Sequestration. To which is now prefix'd his Life. Price bound, 1 *s.*
6. The Devout Christian's Companion, in Two Volumes. Vol. I. Being a compleat Manual of Devotion, fitted for most of the Concerns of Humane Life: With particular Offices for sick and dying Persons. To which is added, The Paschal Lamb, a Treatise explaining the Nature, Design, and Benefits of the Holy Sacrament; with suitable Devotions. Collected from the Works of Archbishop *Tillotson*, Bishop *Taylor*, Bishop *Kenn*, Bishop *Beveridge*, Bishop *Patrick*, Dr. *Scott*, Dr. *Horneck*, Dr. *Stanhope*, &c. Price 2 *s.* 6 *d.* Part II. Consisting of Practical Discourses upon the most Fundamental Principles of the Christian Religion, for all the *Sundays* in the Year. Designed for the Promotion of Family-Piety, in order to a truly Religious Life. Compiled from the Writings of near Thirty of the most eminent Divines of the Church of *England*, by *Robert Warren*, D. D. Price 3 *s.* 6 *d.*
7. The Christian's Companion to the Closet and the Altar; or, A Plain Guide to a Spiritual Life, and a Blessed Death, in Three Parts. Price 2 *s.* 6 *d.*

BOOKS Printed for OLIVE PAYNE, *at* Horace's *Head in* Round-Court *in the* Strand, *oppoſite* York-buildings.

(*Dedicated to Sir* CHARLES WAGER.)

1. THE Naval Hiſtory of *England*, Complete in all its Branches, from the *Norman* Conqueſt in the Year 1066, to the Concluſion of the Year 1734. By Mr. *Lediard*, 2 Vol. Folio. Price neatly bound, 1 l. 10 s. 1735.
2. A general Hiſtory of the Lives and Adventures of the moſt famous Highway-men, Murderers, Street-Robbers, &c. To which is added a genuine Account of the Voyages and Plunders of the moſt notorious Pyrates, interſpers'd with diverting Tales and pleaſant Songs; adorn'd with Six and twenty large Copper-plates, engrav'd by the beſt Hands, Folio. Price, neatly bound, 15 s. 1735.
3. A Natural Hiſtory of Spiders, and other curious Inſects, by *Eleazar Albin*; illuſtrated with Fifty three Copper-plates, engraved by the beſt Hands. Price 1 l. 1 s. colour'd, 1 l. 16 s. Quarto, 1736.
4. A Complete Hiſtory of Arianiſm, from the Origin of it in 306, to 1666. ſhewing its Influence upon Civil Affairs, and the Cauſes of the Diſſolution of the *Roman* Empire. To which is added, The Hiſtory of Socinianiſm, written originally in *French* by the learned Fathers *Maimbourg* and *Lamy*, tranſlated by *W. Webſter*, D. D. Publiſh'd at the requeſt of the Reverend and Learned Dr. *Waterland*, 2 Vol. 4to. Price neatly bound, 12 s. 1735.
5. Memoirs of the famous Count *Bonneval*, lately made a Baſhaw of *Three-Tails* in *Turkey*; containing a complete Hiſtory of the late War in *Italy*: Interſpers'd with many Adventures in Love and Gallantry; with many curious Particulars, too tedious here to mention. To which is added a new Map of *Italy*, 8vo. Price neatly bound, gilt, and letter'd, 5 s. 1735.
6. *Delle Satire e Rime del divino* Ludovico Arioſto, *Libri* xi. *Con le Annotazioni di* Paoló Rolli, *Compagno della Societa reale e Accademico* Fiorentino, *Nuovamente d'al Medeſimo accreſciute e* Corrette; with a beautiful Print of *Arioſto*, engrav'd by *Baron*. Price neatly bound and gilt, 3 s. 6 d. 8vo. 1735.
7. *French* Exciſe, or a compendious Account of the ſeveral Exciſes in *France*, and the oppreſſive Methods us'd in collecting them. Publiſh'd for the Information of the People of *Great Britain*. Price 1 s.

7. A

7. A complete *Engliſh* Dictionary, containing the true Meaning of all Words in the *Engliſh* Language: Alſo the proper Names of all the Kingdoms, Towns, and Cities in the World; properly explained, and alphabetically diſpoſed. Deſign'd for the Uſe of Gentlemen, Ladies, Foreigners, Artificers, Tradeſmen, and all who deſire to ſpeak or write *Engliſh* in its preſent Purity and Perfection. By *N. De Foe*, Gent. Price 3 s.

8. Conſiderations on the Neceſſity of taking the Annuities granted by Parliament in the Reigns of K. *William* and Q. *Anne*; and reducing one Fifth of the capital Stock of all the Perſons poſſeſs'd of Five thouſand Pounds or more in the South-Sea-Company: In order to pay off the National Debt, and eaſe Trade, and the Landed-Intereſt. Pr. 6 d.

9. A View of the Dangers to which the Trade of *Great Britain* to *Turkey* and *Italy* will be expoſed, if *Naples* and *Sicily* fall into the hands of the *Spaniards*. Wherein Enquiry is made, whether the ſame Reaſons that induced *Great Britain* to deſtroy the *Spaniſh* Fleet in 1718, are not ſtill ſubſiſting; and whether it would not be adviſable to give thoſe Kingdoms to ſome Prince who has no Dependance upon the Houſe of *Bourbon*. Together with the Treaty of Mediation between *England* and *Holland* in 1668, for obliging the Kings of *France* and *Spain* to agree to the Terms propoſed by the Mediators. With a Chart of the Mediterranean. By *J. Campbell*, Gent. Price 1 s.

10. *Baſton* on Trade and publick Spirit; ſhewing, That all Trade ought to be in common, the Danger of Monopolies, Stock-Jobbing, *&c.* Of Projectors, Lotteries, and other Cheats; of the ſelling of Places, Corruptions in Elections of Members of Parliament, in the Law, in the Commiſſion of Peace, and Select Veſtries, the Advantage of a publick Spirit, and wherein it conſiſts. Price ſew'd in blue Paper, 1 s. 6 d. bound and letter'd, 2 s. 6 d.

11. An Eſſay upon Civil Government: Wherein is ſet forth, the Neceſſity, Origin, Rights, Boundaries, and different Forms of Sovereignty. With Obſervations on the Ancient Government of *Rome* and *England:* According to the Principles of the late Archbiſhop of *Cambray*. Written originally in *French*, by the Chevalier *Ramſay*, Author of *The Travels of* Cyrus. Price 1 s.

N. B. *At the ſaid* Olive Payne's *is to be had a very great Variety of Books, in* Hebrew, Greek, Latin, Italian, French, Spaniſh, German, Dutch, *and* Engliſh; *where Gentlemen may depend of buying very cheap. He likewiſe gives the full Value for any Library or Parcel of Books.*

THE

HISTORY

Of ECCLESIASTICAL

Benefices and *Revenues*.

CHAP. I.

FROM the Time that JESUS CHRIST first convers'd in the World, the Church began to have Revenues; which first arose purely from the Offerings of devout Persons, and were distributed by an appointed Officer, only to two Uses; the one, of our SAVIOUR himself, and his Apostles, who preach'd the Gospel; the other, of the Poor. This appears clearly in St. *John*, who says, that *Judas* kept the (*a*) Purse, and made the Disbursements, providing all Necessaries for the Community, and distributing the rest to the (*b*) Poor,

(*a*) Loculos habens, ea quæ mittebantur portabat. *Cap.* 12.

(*b*) Loculos habebat Judas, quod dixisset ei Jesus: Eme ea quæ opus sunt nobis ad diem festum; aut egenis, ut aliquid daret, *Cap.* 13. Quia de egenis pertinebat ad eum, *Cap.* 12. *Because this was his Business.*

Loculos *is properly what is call'd the Poor's-Box.*

according to the daily Directions he receiv'd from our LORD.

St. *Auguſtine* obſerves, That tho' JESUS CHRIST, who had Angels for his Servants, had no occaſion or Money, he nevertheleſs thought fit to make uſe of it, that he might leave to his Church the greateſt Authority upon Earth, (his own Example) of her Duty; and how ſhe ought to enjoy, and how to employ what ſhe poſſeſſeth.

And if this holy Inſtitution be not obſerv'd in our Days, we ought to conſider that the holy Scripture, both for our Inſtruction and Conſolation tells us, That *Judas* was a Thief, that he robb'd the Apoſtolick College, and converted the Money to his own uſe; and that his boundleſs Avarice, and Impiety, carried him, at laſt, to betray, even, the Perſon of our LORD himſelf, for Money.

If therefore, either Hiſtory of paſt Times, or Obſervation of the preſent inform us, That a great part of the Eccleſiaſtical Goods is employ'd in Uſes very different from pious, and that ſome of the Miniſters of the Church ſo far from contenting themſelves with ordinary Sacrilege, and appropriating to themſelves what belongs in common to the Church and the Poor, are become ſuch Invaders of ſacred Things, that they ſet to Sale even Spiritual Graces for Money: It is not to be aſcrib'd to any particular Fate on this, or the foregoing Ages, but to the Methods of the Divine Wiſdom in exerciſing the Righteous; ſeeing the Church from its Infancy, and through all Ages, hath been ſubject to the ſame Imperfections.

All that remains incumbent on us, is, every one in his Station to contribute towards a Remedy of theſe Evils by Prayers, where other Means are denied him; and by a courageous Oppoſition to theſe Abuſes,

Abuſes, where it can be effectual. For tho' *Judas* met not his Puniſhment from Men in a common Way, becauſe thoſe who ought to have inflicted it, were his Accomplices; yet the Divine Providence fail'd not to point out what Puniſhment he deſerv'd, by diſpoſing him to be his own Executioner: as a Warning and Admonition to Governours and Guardians of the Church in ſucceeding Ages.

CHAP. II.

AFTER the Aſcenſion of our SAVIOUR into Heaven, the Apoſtles continu'd the ſame Method in the Church of *Jeruſalem*, of gathering Money for the Maintenance of the Miniſters of the Goſpel, and Relief of the Poor: And the Believers, beſides the Offerings that were gather'd, ſold all their Eſtates, and put them alſo into the common Stock: ſo that no Diſtinction was made betwixt the Goods of the Church, and thoſe of every true (*a*) Believer: which is yet practis'd in ſome of the Religious Houſes, who preſerve their firſt Inſtitution.

Now the primitive Chriſtians had the leſs Conflicts with human Nature in parting with their worldly Goods, and beſtowing them in Alms, from the Contemplation of the Uncertainty in which JESUS CHRIST left them, as to the Duration of this

(*a*) Omnes qui credebant erant pariter, & habebant omnia communia. Poſſeſſiones & ſubſtantias vendebant, & dividebant ea omnibus prout cuique opus erat. *Act. Apoſt.* 2.

Nec quiſque eorum quæ poſſidebat aliquid ſuum eſſe dicebat: Sed erant omnia illis communia. —— Nec quiſquam inter illos erat egens, quotquot enim poſſeſſores agrorum aut domorum erant, vendentes afferebant pretia eorum quæ vendebant: Dividebatur autem ſingulis prout cuique opus erat. *Act.* 4.

World, and the Expectation they liv'd in of its ſpeedy Diſſolution (*b*): Or at leaſt, they enjoy'd it with leſs Sollicitude, as not knowing how long it was to laſt; and in the full Perſuaſion that the Form and Figure of this World, and this preſent State of Life would, however, ſuddenly be chang'd and paſs away (*c*). Contemplations like theſe, and which were ſo apt to make Men ſerious, contributed ſtill more to the Frequency of their Offerings.

But the Cuſtom of having no Property in Goods, which indeed introduced a levelling State among them, ſo as no Man was either rich or poor, prevail'd no farther than in *Jeruſalem* itſelf; nor even continu'd long there. For we find, that 26 Years after the Death of our SAVIOUR, Property was again diſtinguiſh'd; and that no Man, who had any thing of his own, was allow'd a Support out of the common Stock; which in this, and the other Churches, ariſing from the Oblations, was applied to the Uſe of the Miniſters of the Church, and of the Poor. Wherefore St. *Paul* order'd, that the Widows who had Relations, ſhould be maintain'd by them, and not be a Burden upon the Church; that ſhe might the better be able to ſupply the Neceſſities of thoſe who were truly Widows (*d*), and deſtitute; that is to ſay, both Widows and Objects of Charity.

(*b*) Scire enim debetis (*ſaith St.* Cyprian) ac pro certo credere, occaſum ſeculi, atque ante Chriſti tempus appropinquaſſe, *Ep.* 58. *ad Thibart.* Lactantius adds, *That all thoſe who had made Computations of the Time, grounded on Scriptures, and prophane Hiſtory, declar'd that the World could not laſt longer than* 200 *Years.* Omnis expectatio non amplius quam ducentorum videtur annorum, *Cap.* 25. *lib.* 7. *Inſtit. Divin.*

(*c*) Præterit enim figura hujus mundi, 1 *Cor.* 7.

(*d*) Si quis fidelis habet viduas, ſubminiſtret illis, & non gravetur Eccleſia, ut iis, quæ vere viduæ ſunt, ſufficiat. 1 *Tim.* 5.

This Explanation is drawn from the ſame Chapter of St. Paul, *which ſaith,* Quæ vere vidua eſt, & deſolata.

And

And on the first Day of the Week, call'd *The Lord's Day*, the Faithful met together, and every one made an Offering of what he had set apart out of his Week's Gains, for the publick Necessities (*e*).

(*e*) Per unam sabbati (*sabbathe*) unusquisque vestrum, apud se seponat, recondens, quod ei bene placuerit. 1 *Cor. cap. ult.*

CHAP. III.

THE Charge which JESUS CHRIST had committed to *Judas*, was, after our SAVIOUR's Ascension, exercis'd by the Apostles themselves, *but* for a very short time only. They soon grew sensible, they should want Leisure for this, and the other Duty of preaching the Gospel (*a*), from the Murmurings and Disorders among the Faithful about the Manner of Distributions (*b*); in which great Partialities were pretended by such as thought themselves had too little, or that others had too much; an Evil incident to all Times, upon the same Occasions.

Reserving therefore to themselves the more important Charge of preaching and teaching (*c*) the Gospel, they committed the Care of their Temporals to other Ministers (*d*). Which indeed is the Reverse of what is practised in our days: Wherein the greatest Pre-

(*a*) Dixerunt, non est æquum nos derelinquere verbum Dei, & ministrare mensis. *Act.* 6.

(*b*) Factum est murmur Græcorum adversus Hebræos, eo quod despicerentur in ministerio quotidiano viduæ eorum. *Ibid.*

(*c*) Nos verò orationi, & ministerio verbi instantes erimus. *Ibid.*

(*d*) Considerate ergo, viros ex vobis boni testimonii septem, plenos Spiritu Sancto, quos constituamus super hoc opus. *Ibid.*

lates apply themſelves to the ſole Government and Care of their Temporals, leaving the other part of their Function, of teaching the Word of GOD, as a leſſer Care, to the Monks, or Prieſts of the loweſt Order in the Church.

Theſe new Miniſters inſtituted by the Apoſtles for the Management of their Temporal Affairs, were * ſix in Number, choſen by the whole Body of the Faithful, and call'd Deacons: And wherever the Apoſtles founded any Churches, they there eſtabliſh'd Miniſters under that Title, and uſed the ſame Form and Solemnity in their Ordination, as in that of Biſhops, Prieſts, and other Miniſters of the Church, with a Preparation of Faſting and Prayer before they proceeded to take the Votes of the Faithful (*e*) upon Elections.

* *Sci* in *Italian*, in *French Sept.*

And this Order, of admitting none to any Eccleſiaſtical Function, but by Election of all the Faithful in a general Aſſembly, was inviolably obſerv'd, and ſo continued for about 200 Years: the Miniſters of the Church, and the Poor ſubſiſting all that while out of the common Stock, which had no other Fund than the Offerings of the Faithful at their Devotions: But they were ſo abundant, that the Charity of thoſe Times had no other Bounds, than what every one could ſpare from his Neceſſities.

So that when the Abilities of one City were more than ſufficient to ſupply the Neceſſities of its own Church, Collections were there made alſo for other Churches that were poor. Thus we find St. *James*, St. *Peter*, and St. *John*, when they receiv'd St. *Paul* and St. *Barnabas* as Companions in the Evangelick Miniſtry, recommended to them a Gathering for

(*e*) Hos ſtatuerunt ante conſpectum Apoſtolorum, & orantes impoſuerunt eis manus. *Ibid.*

the

the poor Church of *Hierusalem (f)*: St. *Paul* himself telling us, he went through the Churches of *Macedonia*, *Achaia* (*g*), *Galatia*, and *Corinth* (*h*), to sollicit their Charity: And this was observ'd even after the Death of the Apostles.

At *Rome*, where the greatest Wealth abounded, the Offerings indeed were so large, that about the Year 150, they serv'd not only to maintain the Clergy and the poor Christians of the City, but to contribute largely to the neighbouring, and more remote Churches, as well as to the Relief of great numbers of Christian Captives in the several Provinces, and of such as were condemn'd to the Mines.

A remarkable Instance of these large Contributions, was that of *Marcion*, about the Year 170, who made an Offering of 500 Drachmas of Gold at one time, in the Church of *Rome*. But because he held certain unsound Doctrines in Matters of Faith, she expell'd him out of her Congregations, and return'd him all his Money, believing she should have been polluted, in keeping the Money of a Heretick.

Afterwards the vast Increase of her Wealth, from the Year 220 began to be look'd upon with an envious Eye, even by the Emperors themselves, and gave occasion to *Decius* the Emperor, to seize the Person of St. *Lawrence* a *Roman* Deacon, in hopes to have made him-

(*f*) Discipuli prout quisque habebat, proposuerunt singuli in ministerium mittere habitantibus in Judæa fratribus, quod & fecerunt, mittentes ad seniores, per manus Barnabæ, & Sauli. *Act.* 11.

(*g*) Probaverunt Macedonia & Achaia collationem aliquam facere in pauperes sanctorum qui sunt in Jerusalem. - - - - - Cum consummavero, & assignavero eis fructum hunc, per vos proficiscar in Hispaniam. *Rom.* 15.

(*h*) De collectis autem quæ fiunt in sanctos, sicut ordinavi Ecclesiis Galatiæ, ita & vos facite. *Cap. ult. 1 Cor.*

ſelf Maſter of the immenſe Treaſure of the Church (1), which he imagin'd to have been vaſtly encreas'd, and laid up *there*; but was diſappointed by the Foreſight of the holy Man, who fearing the Avarice of the Tyrant, and the Perſecution that was then imminent, diſtributed it all at once, as had been uſual when the Church was threatned with the like Calamities.

In effect, moſt of the Perſecutions which it ſuffer'd from the Death of the Emperor *Commodus*, aroſe from the ſame Cauſe; for when the Princes, or their Captains of the Guards wanted Money, they found no ſhorter Expedient for raiſing it, than by ſeizing the Eſtates of the Chriſtian Church.

(1) St. *Prudentius* introduceth an Officer of *Decius*, thus ſpeaking to St. *Lawrence*: *Quod Cæſaris ſcis, Cæſari da, nempe juſtum poſtulo; ni fallor, haud ullam tuus ſignat Deus pecuniam.* *Viz.* Give to *Cæſar* what thou knoweſt to be his; I ask what is juſt, for if I miſtake not, thy GOD coins no Money. *In lib. de Coronis.*

CHAP. IV.

AS the Churches became rich, the Clergy became ſo much more at eaſe, that ſome of them, not contented with a Subſiſtence in common, began to affect living ſeparate in Houſes of their own, and to have each their Allowance paid in Money daily, or monthly, or for a longer time; a Method which however it fell beneath the primitive Perfection, was yet tolerated by their Superiors.

But the Diſorders ended not here, for the Biſhops ceaſing to make the uſual Diſtribution to the Poor, reſerved them to their own Uſe. Thus enrich'd with

with the publick Spoils of the Church, and giving themſelves up to all the Methods of encreaſing them, even to Uſury itſelf, they quite abandon'd the Doctrine of CHRIST.

And St. *Cyprian* having lamented this *to be the* Condition of Affairs in his time (*a*), concludes, That GOD permitted this great Perſecution under the Reign of *Decius*, to purge his Church from Corruption; it having always been the Divine Method to reform, either by the gentle Remedies of lawful Magiſtrates, or when the Corruptions have ſpread too far, by the Scourge of Perſecution.

But tho' the Church were now poſſeſs'd of ſo much Wealth, ſhe had not yet attain'd to any real Eſtates, or Goods immoveable; both becauſe their firm expectation of the End of all things ſo near approaching, had leſſen'd their Taſte, and made them regardleſs of the things of the World, which they look'd upon both as tranſient, and encumbring in their flight to Heaven; and that alſo, by the *Roman* Laws, no Perſons were permitted to give or bequeath by Will real Eſtates to any College, Society, or Corporation (*b*); nor theſe to accept them without the Approbation of the Senate, or the Prince.

(*a*) Epiſcopi plurimi, quos & hortamento eſſe oportet ceteris & exemplo, divina procuratione contempta, Procuratores rerum ſecularium fieri, derelicta Cathedra, Plebe deſerta, per alienas Provincias oberrantes, negotiationis quæſtuoſæ nundinas aucupari de Lapſis,

(*b*) Collegium ſi nullo ſpeciali privilegio ſubnixum ſit, hæreditatem capere non poſſe, dubium non eſt. Lege 8 *Cod. de hæredit. inſtituendis.*

This Law was made by Diocleſian *and* Maximian. *Anno Domini*, 290.

And

And of this no doubt is to be made, however there are ſome Letters extant which go under the Names of the firſt Popes, which give a Reaſon why the Apoſtles ſold their Poſſeſſions in *Judea*, ſaying, it was from the Foreſight the Apoſtles had, That the Chriſtian Church was not to remain in *Judea*, but to remove among the *Gentiles:* As if the Reaſon were not expreſly ſet down in theſe Words of CHRIST to his Church; *Fear not, little flock, ſell all that you have, and give it to the Poor*, Luke 12. as if *Jeruſalem*, after it was deſtroy'd, had not great numbers of Chriſtians in it again, when it was rebuilt; or that no City among the *Gentiles*, where the Chriſtians had any Poſſeſſions, had ever been deſtroy'd.

But without loſing time to refute ſo plain a Falſity, it is a Point out of diſpute, That theſe Letters were forged and contrived about the Year 800, by thoſe who preferr'd Riches and Luxury (an Example too much obſerv'd in thoſe Days) to the Apoſtolick Simplicity, and Moderation, inſtituted and commanded by JESUS CHRIST.

Indeed during the Confuſions, which continued a long time in the Empire after the Impriſonment of *Valerian*, and the looſe Obſervance of the Laws in thoſe times, eſpecially in *Africk*, *France* and *Italy*, ſome People's Zeal took hold of that Opportunity to beſtow alſo real or immoveable Eſtates on the Church, which were all confiſcated in the Year 302 by the Emperors *Diocleſian*, and *Maximian*; except in *France*, where *Conſtantius Chlorus*, who govern'd there, through an Effect of his Goodneſs, hinder'd their Decree from being executed.

But theſe Princes having renounc'd the Empire, *Maxentius* eight Years after reſtor'd to the *Roman* Church all its Poſſeſſions: a little after that, ſhe found the

ſame Favour from *Conſtantine* (*c*) and *Licinus*, having granted the free Exerciſe of Religion to the Chriſtians, and allow'd Congregations of the Clergy, which in *Greek* were call'd *Churches*; made them alſo capable of acquiring fix'd Revenues, or immoveable Eſtates, throughout the whole Empire, either by Will or Donation; with an Exemption from all Services that were perſonal, that they might have more Leiſure to attend the Duties of Religion.

(*c*) *Lib.* 4. *Con. de Epiſcopis & Eccleſiis.* Habeat unuſquiſque licentiam ſanctiſſimæ Catholicæ [nempe fidei, religionis, aut Eccleſiæ, *a way of ſpeaking uſual in* Euſebius] venerabilique Concilio, decedens, bonorum quod optavit, relinquere. Non ſint Caſſa Judicia: Nil eſt quod magis hominibus debetur quam ut ſupremæ voluntatis, poſtquam aliud velle jam non poſſunt, liber ſit ſtilus, & licens quod iterum non redit arbitrium. *Anno* 321.

CHAP. V.

IT was not till long after this, that the Cuſtom prevail'd of giving or bequeathing Eſtates to particular Purpoſes; ſuch as for Buildings of Piety, providing Marriage-Portions, maintaining Orphans, *&c.* or yet of giving with a Condition annex'd, of ſaying ſo many Maſſes, or other Divine Services. But before they gave or bequeath'd abſolutely, the Gift or Legacy was thrown into the common Stock, which was the Fund appointed to defray all pious Works. So true it is, That the ancient Eſtates of the Church were not dedicated to any particular Uſe of Piety; but it is not therefore true, that they may be laid out at the pleaſure of thoſe with whom they are entruſted; becauſe they are

are really given to a general Deſign of Piety and charitable Works.

The Exemptions of the Clergy from the publick Contributions (*a*), muſt be own'd to have been one occaſion of the great Encreaſe of Wealth to the Church: Which was every where inviolably obſerved, equal to the Satisfaction both of the Princes and People; and which turn'd in no ſort to the Publick Prejudice.

For ſeeing the Goods of the Church belong properly to People of the loweſt Condition, thoſe only were exempted, who had nothing of their own, and thoſe only contributed who were able: A Method which carry'd the greateſt Equity in it; ſeeing that to exempt him who hath not a Competency for Life, is not oppreſſing others.

But we are not thence to infer, That it were as reaſonable for Princes to continue the ſame Bounties to the Church, now that it is become ſo rich, that it poſſeſſeth a fourth Part of all Eſtates; which is doubtleſs more than is left for all the reſt of the People (1): And theſe Eſtates being no longer laid out upon the Poor, to exempt the Clergy would be a direct Contradiction to the Practice of all good Princes, and a means to make the Burdens which the Rich ought to bear, fall upon the Poor (2):

(*a*) *Lib.* 2. *Theod. de Epiſc. & Eccleſiis.* Qui divino cultui miniſteria religionis impendunt, id eſt, qui Clerici appellantur, ab omnibus omnino muneribus excuſentur, ne ſacrilego Livore quorundam a divinis obſequiis avocentur. *Conſtant. mag. l.* 9. *Cod. Theod.* eodem titulo.

(1) Seeing the Clergy make up but a very ſmall Part.

(2) *Phil. de Comines*, whoſe Piety was as great as his Experience in Affairs, expreſly blames the Bounty of *Lewis* XI. to the Church; ſaying, He gave much to the Church, but he had better have given leſs; for he took from the Poor, to give to thoſe who had no need. And in another Place, He gave goodly Lands to the Church, but this Gift was made void; for the Clergy had too much. *Cap. ult. Lib.* 5, & 7. *Lib.* 6. of his Memoirs.

So

So that the Princes of our Times want not the Piety of their Predeceſſors, yet Circumſtances make the Caſe very different; for the Church would now alſo be exempted if ſhe were poor, and ſhe never would have been exempted, had ſhe been rich.

CHAP. VI.

THE ſame exceeding Devotion in Princes and People, which produced the vaſt Encreaſe of Wealth to the Church, grew at laſt to excite an extream Thirſt in her Miniſters to improve it; from which even thoſe of the cleareſt Intentions among them were not wholly exempt.

For ſince the Diſtribution of theſe Goods turn'd to the Glory of GOD, and the publick Good, they concluded that the more the Church had to beſtow, the more thoſe Ends would be anſwer'd. Thus in the view to ſo great a Merit, they ſet themſelves with all their Skill and Induſtry about ſo pleaſing a Task, without confining themſelves to the Lawfulneſs or Juſtice of the Methods; but if the Church were enrich'd, by whatſoever means, they thought they made a pleaſing Sacrifice to GOD.

And certainly from theſe indiſcreet Zealots, and the want of a due mixture of Diſcretion, have flow'd innumerable and incurable Miſchiefs: For they imagining every thing juſtifiable (1), that is done with a View to Religion, by acting both againſt that, and even of Humanity itſelf, have often ſet the World in dreadful Combuſtions.

(1) Devitantes hoc, nequis nos vituperet providemus bona, non ſolum coram Deo, ſed etiam coram hominibus. 2 *Corinth* 8.

Thus

Thus it happen'd when first the Church was allow'd to acquire real Estates; some religious Persons entertaining an opinion, That it was a Service to GOD, to disinherit the Children and Heirs of Families, in order to give their Estates to the Church, omitted no Artifice to persuade Widows, Maids, and other easy People, ready to receive any Impressions, to deprive their own Families, and make the Church their Heirs (2).

And this Distemper grew to such a height, that the Prince was oblig'd to provide against it, by an Ordinance made in the Year 370. which in truth did not put the Churches absolutely into an Incapacity of encreasing their Estates, but forbad Churchmen only to frequent the Houses of Widows and Orphans, or to receive any Gifts by Will or Donation from Women immediately, or by any third Hand (3).

Which Ordinance St. *Jerom* acknowledges to have been a good Step towards the Remedy of a Corruption, which had taken too deep root among the Clergy (4); namely, an immoderate craving after temporal Riches.

(2) *Charlemaign* made a Law to forbid the Churches to receive any Gifts, which disinherit Children and Kindred.

(3) Ecclesiastici aut ex Ecclesiasticis Viduarum ac Pupillorum domus non adeant, sed publicis exterminentur judiciis, si eos Affines earum vel propinqui putaverint deferendos. Censemus etiam ut memorati nihil de ejus mulieris, cui se privatim sub prætextu religionis adjunxerint, liberalitate quacunque vel extremo judicio possint adipisci, & omne in tantum inefficax sit, quod alicui horum ab his fuerit derelictum, ut nec per subjectam personam valeant aliquid vel donatione vel testamento recipere. *Lege* 20. *Cod. Theod. de Episc. & Eccles.*

(4) Audio in senes, & anus absque liberis quorundam turpe servitium. Ipsi apponunt matulam, obsident lectum, purulentiam stomachi & phlegmata pulmonis manu propria suscipiunt. *In Epist. ad Eustoch.*

Illæ quæ sacerdotes suo viderint indigere præsidio eriguntur ad superbiam, & quia maritorum expertæ viduitatis præferunt libertatem. *In one of his Ep.*

Yet

Yet this was not found ſufficient, without another Ordinance, made a few Years after, That Widows who devoted themſelves to the Church, ſhould neither give nor leave by Will any immoveable or real Eſtates, or Moveables of great Value (*a*). Of which it is diſcours'd more at large elſewhere.

Nor were theſe exceſſive Acquiſitions pleaſing to St. *Auguſtine*, who liv'd in thoſe times, and declar'd himſelf freely upon this Head, that he thought it more reaſonable that Inheritances ſhould be left to the next of Kin than to the Church (5).

Which Opinion he confirm'd by refuſing Gifts that were left to his own Church. He likewiſe declar'd, That a due Miniſtry in the Church did not conſiſt in diſtributing much, but in being well applied. He blam'd a Method of encreaſing the Eſtates of the Church by making Purchaſes of real Eſtates with the overplus of its annual Rents. He never would ſuffer this Abuſe in his own Church, declaring againſt it in his Sermons, and that he had rather live on the Offerings and Collections that were made in the primitive times of the Church, than to be charg'd with the care of an Eſtate, which would interrupt the Leiſure that was neceſſary to the right diſcharging the principal Duty of a Biſhop: adding, that he was ready to renounce all

(*a*) Ipſa tantum prædiorum ſuorum reditus conſequatur, de quibus ſervandi, abalienandi, donandi, diſtrahendi, relinquendi, vel quod ſupereſt, vel cum in fata concedit, & libera ei voluntas eſt, integra ſit poteſtas. Nihil de monilibus, & ſupellectile, nihil de auro, argento, cæteriſque claræ domus inſignibus ſub religionis defenſione conſumat: Sed univerſa integra in liberos, proximos, vel in quoſcunque alios arbitrii ſui exiſtimatione tranſcribat. Ac ſi quando diem obierit,, nullam Eccleſiam, nullum Clericum, nullum Pauperem, ſcribat hæredes. *L.* 27. *Cod. Theod. Anno* 390.

(5) *Poſſid. in vita Auguſt. cap.* 24.

Poſſeſſions

Poſſeſſions in the World whatſoever, provided a Maintenance were allotted to the Servants and Miniſters of GOD, according to the old Teſtament, (*b*) either in Tythes or in other Alms: ſo as they might not be diverted from their Duty, by the Cares inſeparable from temporal Concerns.

Yet neither the excellent Exhortations of the Fathers, nor the Laws of Princes, were of force to ſet any bounds to the growing Wealth of the Church, but that it exceeded all meaſure.

The ancient manner indeed of adminiſtring and diſpenſing theſe Eſtates, was ſtill kept up, and ſo continued until the Year 420, without any remarkable Alteration. All the Alms, and Revenues ariſing from real Eſtates, were yet in common, and under the care of Deacons, who had for their aſſiſtance Sub-deacons, and other Stewards employ'd in providing for the Maintenance of the Clergy and the Poor. The College of Prieſts, and the Biſhops chiefly, were the Superviſors; and an Account of all Receipts and Diſburſements was kept. So that the Biſhop order'd all the Diſtributions, the Deacons executed his Orders, and all the Clergy were maintain'd out of the Revenues of the Church, tho' they were not all in Functions.

St. *John Chryſoſtome* makes mention, That in thoſe times the Church of *Antioch* fed more than 3000 Mouths. It is alſo certain, that the Church of *Jeruſalem* defray'd the expences of an infinite number of People, who reſorted thither from all parts.

(*b*) Omnes decimæ terræ ſive de frugibus, ſive de pomis arborum Domini ſunt. *Levit. ult.*

Primitias ciborum noſtrorum, & poma omnis ligni, vindemiæ quoque & olei, afferemus ſacerdotibus. Ipſi Levitæ decimas accipient operum noſtrorum. 2 *Eſdr.* 10.

Theſe Tenths and Firſt-fruits, as being of the *Jewiſh* Inſtitution, were aboliſh'd by the new Law.

And

And we find in Hiſtory, that *Atticus* Biſhop of *Conſtantinople*, aſſiſted the Church of *Nice* in *Bithynia*, on occaſion of a Concourſe of poor People to that City, wherein were numbred ten thouſand in one Day.

CHAP. VII.

BUT after *France*, *Spain* and *Africk* were erected into two diſtinct Kingdoms from the Empire, the Poſterity of *Theodoſius* extinct, and *Italy*, by the ſucceſſive Inundations of divers barbarous Nations, made ſubject, at laſt, to the Power of the *Goths*, and the Eaſtern and Weſtern Empires torn aſunder from each other; the Government of the Churches alſo took another Form. The Eaſtern Church kept ſtill the eſtabliſh'd Uſage of living in common: But in the Weſtern, the Biſhops, from being Superviſors and Adminiſtrators of the Revenues, began to uſe them as if they were their own; and to aſſume a ſort of abſolute Power in their Diſpoſition. Hence follow'd great Confuſions in the Application of theſe Eſtates, to the great detriment of the Fabricks, which fell to Ruin; and of the Poor, who were left deſtitute and unprovided for.

It was therefore order'd (*a*) in the Weſtern Church about the Year 470, That a Diviſion ſhould be

(*a*) Pope *Gelaſius* in Canon *quatuor*, 27, 12. q. 2. which is in the Year 494, ſheweth ſufficiently that this Uſage was eſtabliſh'd ſome time before.

Quatuor autem tam de redditu, quam de oblatione fidelium, prout cujaſlibet Eccleſiæ facultas admittit, ſicut dudum rationabiliter eſt decretum, convenit fieri portiones, quarum ſit una Pontificis, altera Clericorum, tertia pauperum, quarta fabricis applicanda. *Vide Can. vobis* 23. *eadem quæſt.*

made into four Parts: The firſt was to go to the Biſhop, the ſecond to the reſt of the Clergy, the third to the Fabrick of the Church, in which, beſides that properly ſo called, was alſo comprehended the Habitation of the Biſhop, of the other Clergy, of the Sick, and of the Widows: And the fourth Part went to the Poor *; which in moſt Churches, according to St. *Gregory*, included only the Poor of the Place: For Hoſpitality was incumbent only on the Biſhop, who was oblig'd, out of his own Share, to lodge all the ſtranger Clergy, and to defray the Expences of the Poor which came from abroad.

Yet it is not to be ſuppos'd, that this Diviſion was made into four arithmetical and equal Parts, but only proportional: For the Number of Clergy in ſome Churches requir'd a larger Share than the Poor; whereas the contrary fell out in other Churches, where the Poor were more numerous than the Clergy. And as in great Cities the Expence of the Fabrick was greater than in the leſſer, every Church, which agreed to this Diviſion into four Parts, ſettled it in a different Proportion, as Circumſtances requir'd.

I know that ſome have attributed this Diviſion to Pope *Silveſter*, who liv'd 150 Years before, grounding their Opinion on ſome Writings which have been forg'd ſince, with little Honour to thoſe Times, which lay not then under ſo corrupt a Character.

In the *Theodoſian* Code we find a Law of *Conſtantius* and *Julian*, bearing Date in the Year 359, which

* Whereas before, the firſt Part was for the Poor, *viz.* when all was in common among them.

exempts

exempts the trading Clergy from paying Duties (*b*), becauſe all they gain'd went to the Poor. So far they were from dividing the Revenues of the Church among themſelves, that even their Gains they threw into the common Stock. But about the Year of our LORD 500, however the Revenues had been divided into Four Parts, yet the Funds out of which they aroſe, whether Immoveables, Oblations or Alms, were brought under no Diviſion themſelves, but only the growing Rents continu'd under the Direction of the Deacons and Sub-deacons, jointly.

A Recapitulation of this Matter ſeem'd the more requiſite here, becauſe the following Ages will preſent us with a Form of Government ſo intirely different from what has been deſcrib'd.

We have already ſet forth the Method inſtituted by the Apoſtles, for electing Miniſters in the Church, *viz.* That the Biſhops, Prieſts, and other Miniſters of the Word of GOD, as alſo the Deacons, who had the Adminiſtration of the Temporals, ſhould be elected by the whole Body of the Faithful, and then ordain'd by the Biſhop, by Impoſition of Hands; which continued without alteration. The Biſhop was elected by the People, and ordain'd by the Metropolitan *, in the Preſence of all the Biſhops of the ſame Province, or at leaſt, with the Conſent in

(*b*) *L.* 3. *Cod. Theod. de Epiſc. & Eccleſiis Anno* 346. Juxta ſanctionem quam dudum meruiſſe perhibemini, & vos & mancipia veſtra nullus novis collationibus obligavit, ſed vacatione gaudebitis.

Præterea neque hoſpites ſuſcipietis, & ſiqui de vobis alimoniæ cauſa negotiationem exercere voluit, immunitate potientur.

St. *Jerom* exclaims againſt theſe Privileges; *Negotiatorem Clericum*, ſaith he, *& ex inope divitem, ex ignobili glorioſum, quaſi quandam peſtem fuge- - - - - Cui nundinæ, fora placent, & plateæ, ac medicorum tabernæ.* Ep. 2. ad Nepotianum.

* Vide Appendicem ad Capitul. *pag.* 1372. *cap.* 4.

Writing of those who could not be present. Or if any Accident hinder'd the Metropolitan from attending, the Ordination was perform'd by three of the neighbouring Bishops, with the Consent of him and of the other absent Bishops. And afterwards, when to improve this Form of Government, several Provinces were made subject to one Primate, his Consent also was requir'd to the Ordination.

The Priests, Deacons and other Clergy were also presented by the People, and ordain'd by the Bishop; or else nominated by the Bishop, and with the Consent of the People ordain'd by him. No Person that was unknown was admitted, nor did the Bishop ever ordain any, but such as were approv'd, or indeed propos'd by the People:

Whose Concurrence was thought so necessary, that the Pope, St. *Leo*, proves at large the Invalidity of a Bishop's Ordination without it (z). In this all the Fathers of the Church in those times agree. And *Constance* being chosen Bishop of *Milan* by the Clergy, St. *Gregory* thought he could not be consecrated without the Consent of the Inhabitants, who being at that time retir'd to *Genoa*, to avoid the Ravages of the barbarous Nations, a Message was first sent to them at his Instance, to know their Pleasure. A Thing which may justly be recommended to the Observation of this Age, where we are taught that Elections, wherein the People should pretend to have any Share, would be unlawful and

(z) Cum ergo de summi sacerdotis electione tractabitur, ille omnibus præponatur quem Cleri plebisque consensus concorditer poposcerunt, ita ut si in aliam forte Personam partium se vota diviserint, metropolitani Judicio is alteri præferatur qui majoribus & studiis juvatur & meritis: Tantum ut nullus invitis, & non petentibus ordinetur, ne Civitas Episcopum non optatum aut contemnat, aut oderit, & fiat minus religiosa quam convenit cui non licuerit habere quem voluit.

Epist. 12. *ad Anastasium Thessalonicensem, cap.* 5.

invalid:

invalid: So chang'd, and so inverted are Customs, as to make Good and Evil change their Names, calling that lawful which was formerly reputed detestable and impious; and that unjust, which had then the Reputation of Sanctity.

Sometimes a Bishop, who was supernumerated, nam'd his Successor; as St. *Augustine* nam'd *Eradius*. But neither was this Nomination of any force without the Approbation of the People. All These are Particulars as necessary to be well understood, as they are to be remember'd, in order to confront the Practices of succeeding Ages with these Primitive Examples.

CHAP. VIII.

A Little Digression will here be necessary, to take in one of the most memorable Causes, and Springs of Wealth to the Church, which happen'd about the Year 500. This was an Institution of Religious Colleges call'd *Monasteries*.

Monachism began in *Ægypt* about the Year 300 (1) occasion'd by the Persecutions of those who fled thither for Refuge. From whence it pass'd into Greece,

(1) *There were Monks in Ægypt long before, according to* Cassian. Cum in primordiis fidei pauci quidem, sed probatissimi, Monachorum nomine conserentur, qui sicut à beatæ memoriæ Evangelista Marco, qui primus Alexandrinæ urbi Pontifex præfuit, normam suscepisse vivendi, *Ex. Lib. 2 de Inspit. Cœnob. cap. 5.*

Ne illa Ecclesia, quæ inter ipsa Evangelii Principia B. Marcum, B. Petri Apostoli discipulum, in omnibus eoque doctoris sui magisterio conformem habuit fundatorem, *Ex. Ad mag. Epist. 77. cap. 4.*

Greece, where St. *Basil*, about the Year 370, gave it the Form it has preserv'd ever since in that Country. And about the Year 350, *Athanasius* brought it into *Italy*: But at *Rome*, and in the Parts adjacent, it found few Followers, and little Encouragement, until the Year 500, when St. *Equitius* and St. *Benedict* gave it a more lasting Form, and made it spread. Yet the Institution of St. *Equitius* fail'd soon, but that of St. *Benedict* extended itself all over *Italy*, and even beyond the Mountains.

In those days, and for a long time after, the Monks were no Ecclesiasticks (2), but Laymen, and in Convents which stood without the Cities; subsisting on their own Labour in Husbandry and other Trades, and on the Oblations of the Faithful; of all which the Abbot had the Management.

But in the Cities they liv'd on their own Handlabour, and the Share which was allotted them by the Church of that Place. These retain'd their ancient Discipline much longer: And as the Clergy, after they began to share the Goods of the Church among themselves, had lost much of the Reverence

V. Epist. 10. *ad Episcopos Viann. cap.* 6. St. *Antony* was the first, who brought the Monks to live in common. A Proof, That that Life is not inconsistent with Solitude: Which Point Mr. *D'Offat* presseth with great strength of reason, to an Abbot of the Order of *Feüillans*. A Monk, saith he, who attends Mattins, and other Services enjoin'd, and employs the rest of the Day in Study, or in some other honest way, is solitary enough, and needs no other Defart but his Convent. And the Ancients, in calling a Convent *Cœnobium*, and those in Religious Discipline Monks, shew, that Solitude may easily be found in Community and Society.

(2) Alia Monachorum est causa, alia Clericorum, *saith St.* Jerom. *And again*, Clerici pascunt oves, ego pascor. *Epist. ad Heliod.*

But tho' the Monastick Life were very different from the Ecclesiastick, it was however a Step to Orders. *Sic vive*, saith he to a Monk, *ut Clericus esse mereris.* Epist. ad Rusticum.

the

they had among the People, whose Devotion by that means was extinguish'd; few continu'd their Bounties to the Church, and there had been an end to all its Acquisitions, if the Monks, by continuing to live in common, and exercising Works of Charity, had not reviv'd and turn'd all the Stream of the People's Devotion on themselves. Thus they became, in time, very powerful in Inheritances, and Possessions of all kinds; every one finding a stronger Invitation to his Charity, as he saw it was then employ'd in maintaining great Numbers of Monks, in educating Youth, and other Works of Piety and Hospitality (3). The Abbot *Trithemius* reckons the Number of Monasteries of *Benedictines* were 15000, besides the lesser Convents. The Monks chose their own Abbot, who govern'd in Spirituals, and had the Disposal of all the Oblations, as well as of all they gain'd by Labour: Afterwards, also he had the management of the Revenues arising from their immoveable Estates.

(3) *Mezeray* saith in the Life of *Phil. Augustus*, That the Monasteries of the *Benedictine* were as Inns for Receipt of Gentlemen and other Travellers *gratis*, and Schools to teach their Children.

Another thing contributed much to the Encrease of Monachism; which was, the Means they had found to succeed to their Fathers Estates, which at their Death they left to their Convent. *Jam eo tempore fervor Monastice Religionis tepuerat. Jam unusquisque in bonis Parentum suorum hæres fieri quærebat: Unde quidam eorum, quid sibi acquisiverant, in servitium fratrum, & communem utilitatem Loci publicè contradebant.* Chronicon. S. Benigni Divion Anno 789. Tom. 1. Spicelegii Acher. pag. 402, & 403.

CHAP. IX.

BUT after the Year 500, the Biſhops being become the abſolute Diſpenſers of the fourth Part of the Goods of the Church, they began to employ more of their Care on their Temporal Affairs, and to make Parties in the Cities: So that Elections were no longer carry'd on with a View to the Service of GOD, but manag'd by Faction and Intrigues, which often proceeded to open Violence. This gave the firſt Alarm to Princes, who had hitherto little concern'd themſelves in the Choice of the Miniſtry; but when the holy Men of thoſe times began to declare, That GOD had plac'd the Church under their Protection, and that they were anſwerable by that Divine Commiſſion, to ſee that the Affairs of the Church ſhould be adminiſter'd under regular and legal Forms of its own; this open'd the Eyes of Princes, and made them capable of diſcerning how much the Intereſts of ambitious Clergymen, and the ſeditious Cabal form'd on theſe Occaſions to obtain the Dignities of the Church, endanger'd the publick Peace, and the Intereſt of the Civil Government.

Mov'd therefore, partly by Religious Conſiderations, and partly by Reaſons of State, they now began not to ſuffer the Clergy and the People to determine Elections by themſelves, and according to their own Paſſions. For ſeeing Men now no longer avoided and fled from Biſhopricks, but even made Intereſt for them with all the Courtſhip and skilful Solicitations they could uſe; ſo great a Change open'd a Way to Factions, and conſequently to Seditions, and ſometimes Bloodſhed at the Inſtigation of the contending Parties.

Some-

Sometimes the Inconveniencies were no leſs by Elections falling on People diſaffected to the Government, and ſuch as entertain'd ſecret Correſpondence with the Enemies of the State, which, during the Weſtern Confuſions, were never inconſiderable: or otherways, by Elections falling on ſuch who afterwards attain'd to great Popularity, which they apply'd to uſurp the Power of the Magiſtrates, and then to incite the People to ſupport their Innovations.

Theſe Diſtempers produc'd an Edict, that no Perſon elected ſhould be conſecrated without the Approbation of the Prince or Magiſtrate; reſerving to themſelves the Right of confirming the great Biſhopricks, ſuch as thoſe in *Italy* of *Rome*, *Ravenna*, and *Milan*, and leaving the Care of the others to their Miniſters.

But in thoſe times, as more Regard was had to the anſwering the true End of good Government in the Church, than to any Appearances; if there happen'd in a City ſome one of that eminent Merit, that was equally the Inclination both of Prince and People, upon a Vacancy he was conſecrated forthwith, without other Formality.

Sometimes Accidents of Wars or Plagues might haſten the Conſecration of a Biſhop, before the Princes Confirmation were obtain'd (*a*): as it happen'd in the Caſe of *Pelagius* II. *Rome* being then beſieg'd by the *Lombards*. But after the Siege was rais'd, that Pope ſent St. *Gregory*, who was then Deacon, and afterwards his Succeſſor, to excuſe it to the Emperor, and to beg he would confirm what Neceſſity had oblig'd to be done.

(*a*) Poſt Benedictum Papam Pelagius Romanæ Eccleſiæ Pontifex abſque juſſione Principis ordinatus eſt: Eo quod Longobardi Romam per Circuitum obſiderent; nec poſſet quiſquam a Roma egredi. *Warnefrid de geſtis Longobard. Lib.* 3. *cap.* 20.

In

In this manner, that is, with the Imperial Sanction, the Popes and Biſhops continu'd to be choſen in *Italy* until the Year 750. But in *France*, and other Countries beyond the Mountains, the Royal Authority, and even that of the Mayors of the Palace, appear'd more abſolute; for the People, as ſoon as thoſe Princes concern'd themſelves in Elections, deſiſted intirely, and withdrew themſelves from them. Good Men acquieſc'd, in confidence that their Princes would take all the care that was neceſſary in that matter; and ill Men deſpair'd to bring about their Deſigns: So that the Kings of *France* had the ſole Collation of all the Biſhopricks throughout their Kingdom.

Through all the Hiſtory of *Gregory* of *Tours*, from the time of *Clovis* the firſt Chriſtian King of *France*, until the Year 590, we find no Inſtance of any one Biſhop being made in any other manner than by the Nomination or Conſent of the King (*b*). And St. *Gregory* I. who was made Pope in that Year, writing to the Kings of *France* on divers Occaſions, laments that Biſhopricks were beſtow'd on Men not ſufficient for that Charge; beſeeching them to chuſe Men of Probity and Capacity, but without any Objection to the King's Right of Nomination, unleſs it were want of Merit.

It

(*b*) Interempto Ruſtico Caturoci urbis Epiſcopo, conſenſus Regis & Civium pari ſententia in Epiſcopatum Deſiderii aſpiravit. Nam licet ſuggeſtio Civium ad Præſules & Principes jam præceſſerit, Rex tamen pro hoc amantiſſima & valde ambienda præcepta dedit, in quibus perſpicue agnoſcitur, vel quamobrem hunc Rex diligeret, vel quam de eo æſtimationem haberet. Tale nimirum de illo Rex civibus & Epiſcopis, cunctoque populo teſtimonium dedit, ut jure plebium teſtimonia regia oracula præcellerent, ac prævenirent. *In vita S. Deſiderii Epiſc. Caturc. cap.* 8. *tom.* 1. *Bibliot. MS.* Labbei, *p.* 703.

Whence it appeareth, the People choſe, but that the Election

It was eaſy for thoſe Biſhops, when once they were made without the authority of the People, to exclude the People alſo from the Choice of Prieſts, Deacons, or other Eccleſiaſtical Miniſters, and to transfer that Right to the Prince alone: Some part of the People having wholly withdrawn themſelves from Eccleſiaſtical Congregations, to attend their domeſtick Affairs, others to avoid popular Factions; others again, upon finding themſelves contemptuouſly treated by the Biſhop, whoſe Power was grown to an inconvenient Size, by his Wealth, and the Intereſt he had in his Prince, of whom he held his Biſhoprick by Nomination or Confirmation. And ſometimes the Prince would name the Perſons to be ordain'd, or would commit that Care to the Biſhop, eſpecially when he happen'd to be in his Prince's Confidence. And this often brought him to be farther uſeful, either in making up Differences among the People, or in deciding difficult Cauſes referr'd to him by the Prince.

lection ought to be confirm'd by the Prince. Which is ſeen in a Letter of *Dagobert*, reported in the Life of St. *Didier*, *viz.*

Juxta Civium petitionem, noſtram quoque concordantem in omnibus voluntatem decernimus, ac jubemus ut adjuvante & clamante laudem ipſius Clero, vel Populo, vir illuſtris, & verus Dei cultor Deſiderius Pontifex in urbe Caturci debeat conſecrari, & noſtra civiumque voluntas, quod decrevit in omnibus, in Dei nomine perficiatur, & pontificali benedictione ſublimatus, pro nobis, & pro univerſis ordinibus Eccleſiæ debeat exorare, & acceptibiles Deo hoſtias ſtudeat offerre. —— Qua de re, præſenti authoritate decernimus, ut dictus Deſiderius Epiſcopatum in Caturcenſi urbe præſentialiter ſuſcipiat.. Et ut hæc deliberatio voluntatis noſtræ firmior habeatur, manus noſtræ præſcriptione ſubter eam decrevimus roborare.

1 *Lib.* 4. *Epiſt.* 53. *ad Childebert. Et tom.* 1. *Concil. Gall. Epiſt.* 5. *ad Brunichildem. Lib.* 7. *Ep.* 5. *& tom* 1. *Concil. Gall. Epiſt.* 22. *ad Brunich. Lib.* 7. *Ep.* 13. *& Tom.* 1. *Conc. Gall. Epiſt.* 27. *ad Theodoric. & Theodebert. Lib.* 7. *epiſt.* 114. *& tom* 1. *Concil. Gall. epiſt.* 28.

For

For the Respect shew'd to Religion in those days having rais'd the Bishops to a Credit, which was not ordinarily afforded to Magistrates, engag'd them more in these secular Functions than in teaching the Doctrine of CHRIST, in which Men had thought, at first, consisted their principal Duty. So that to be a worldly prudential Man, was a better Qualification for a Bishop, than to be a good Casuist. Which holds good to this day in that Saying, *That except it be in Places confining on the Infidels, a good Lawyer makes a better Bishop than a good Divine*; which indeed must be allow'd, if the chief Business of a Bishop be to try Causes.

JESUS CHRIST, when he ordain'd his Apostles, told them, *As my FATHER sent me, so send I you.* By which they understood he sent them to teach. But if now every Man be sufficiently instructed, there is no need of any more Teachers; and they ought to quit an Employment grown useless to the World.

Heretofore the principal Care of a Bishop was to teach, his next was to take care of the Poor; but as the Administration of the Church-Affairs came into the hands of the Clergy, there grew some Remissness in both Duties, and the *Quadripartite* Division came to be arbitrary.

Where the Bishop and Clergy were Men of Conscience, a reasonable Division was made; but where they happen'd to be interested Men, the Poor wanting Protectors, and the Fabrick of the Church Supervisors; these two Portions were in some places sunk almost to nothing, and all was divided betwixt the Bishop and the Clergy.

And even in Churches where the Division was made with due Proportion, the Administration of the two Parts which was allotted to the Fabrick and the Poor, remaining still in the hands of the Clergy, were

were insensibly diminished, to the advantage of those who had the Management; which is made more evident by the few instances that are any where to be found of Fabricks having any particular Revenue, or of any Fund remaining for the Poor, except Hospitals, which are of no ancient Institution.

At first the Share of the Clergy was not divided among them, but left to the discretion of the Bishop, to dispense according to every one's Merit. But afterwards the Priests took upon them to make the Dividend among themselves, excluding the Bishop from that Care; and when they had set out their own Share, in the Direction of which neither the Bishop, nor any other had any hand, they then subdivided it among themselves. This gave beginning to every Man's Property, and thus they ceased to live in common.

But tho' the Revenues were thus divided, yet all the Stock or Fund remain'd still intire, and undivided, under the Direction of Deacons, and Sub-deacons, who receiv'd the Rents, and assign'd them to the Bishop, and to every Priest, in proportion to their Shares.

In those times the Church-Estates were called *Patrimonies*, which I have thought fit by the way to remark, to obviate any Mistake that this Name might signify any sovereign Dominion, or Jurisdiction belonging to the *Roman* Church or the Pope. The Estate of every Family, descending from its Ancestors, was call'd *a Patrimony*. And the Demesns or Estate belonging in particular to the Prince, was call'd *Sacram Patrimonium*, to distinguish it from the Patrimonies of private Men; as we find in many Places of the 12th Book of the Code. For the same reason the Name of Patrimony was given to the Estate of every Church; and we find mention'd

tion'd in the Letters of St. *Gregory*, not only the Patrimonies of the *Roman* Church, but alſo of the Church of *Rimini*, *Milan*, and *Ravenna*.

Churches in Cities, whoſe Inhabitants were but of moderate Subſtance, had no Eſtates left to them out of their own Diſtrict: But thoſe in Imperial Cities, ſuch as *Rome*, *Ravenna*, and *Milan*, where Senators, and Perſons of the firſt Rank inhabited, were endowed with Eſtates in divers Parts of the World. St. *Gregory* mentions the Patrimony of the Church of *Ravenna*, in *Sicily*, and another of the Church of *Milan* in that Kingdom. The *Roman* Church had Patrimonies in *France*, *Africk*, *Sicily*, in the *Cottian Alps*, and in many other Countries. And the ſame St. *Gregory* had a Law-ſuit with the Biſhop of *Ravenna*, for the Patrimonies of the two Churches, which afterwards ended by Agreement.

And to create yet the greater Reſpect for the Eſtates belonging to the Church, it was uſual to annex the Name of ſome favourite Saint, which that Church held in moſt Veneration. So the Eſtate of the Church of *Ravenna* was call'd, The Patrimony of St. *Apollinare*; that of *Milan*, The Patrimony of St. *Ambroſe*. The Eſtates of the *Roman* Church were call'd, The Patrimony of St. *Peter* in *Abruzzo*, the Patrimony of St. *Peter* in *Sicily*; in the ſame manner as we ſay, The Revenues of St. *Mark* at *Venice*.

Where the Patrimonies of the Prince were not aſſign'd to the Uſe of the Army, a Governor or Intendant (1) was plac'd, who had Juriſdiction in all Cauſes which concern'd thoſe Eſtates: Some of the

(1) This Intendant was ſtil'd, *Comes rerum Privatarum*, to diſtinguiſh him from the *Comes ſacri Patrimonii*: Both are ſpoken of in the firſt Book of the Code: The firſt in the *Title* 33. the ſecond in the *Title* 34.

Roman

Roman Clergy would have uſurp'd the ſame Power, wherever that Church had any, throughout all their Patrimonies, and have been the Judges themſelves, without having any more recourſe to the Civil Magiſtrate. But St. *Gregory* condemn'd and rebuk'd this Innovation, and forbad the Practice of it under pain of Excommunication.

The Canon of St. *Ambroſe*, call'd, *Si Tributum* (*c*), is a Teſtimony that the Eſtates of the Church paid Tribute to the Prince. And it is certain, that in the Year 681, *Conſtantine Pogonatus* or *Barbatus*, exempted the *Roman* Church from Tribute, which it paid for the Patrimonies of *Sicily*, and *Calabria*; and *Juſtinian Ritmenus* in the Year 687, remitted the Tribute for the Patrimonies of *Abruzzo* and *Lucania*.

Yet the *Roman* Church drew not ſo great Revenues from its Patrimonies, as ſome have imagin'd; for Hiſtorians ſpeaking of the Confiſcations of *Calabria* and *Sicily* by *Leo Iſaurus*, in the Year 732, acquaint us, That they both yielded but three Talents of Silver, and half a Talent of Gold; which (not to dwell on the Diverſity of Opinions concerning the Value of a Talent) make no more than 2500 Crowns of our Money: And the Patrimony of *Sicily*, tho' very large, amounted to no more than 2100 Crowns.

(*c*) Si tributum petit Imperator, non negamus; agri Eccleſiæ ſolvant tributum. Si agros deſiderat Imperator, poteſtatem habet vendicandorum; tollat eos, ſi libitum eſt; Imperatori non dono, *(for the Eccleſiaſticks having only the Uſufruct and Stewardſhip, they cannot give what is not their own)* ſed non nego. *Cauſa* 11. *quæſt.* 1. *cap.* 27.

CHAP.

CHAP. X.

IT will not be foreign to our Subject to know the particular State of the Church, during the time that the Goods of it remain'd united in one Common Stock, and under the ſame Adminiſtration, tho' the Revenues ariſing from thence were divided: But the ſame Face of things was not likely to continue, conſidering the Differences which aroſe betwixt thoſe who had the Adminiſtration, and thoſe who were ſubject to it. So every Miniſter began to retain all the Offerings made in his own Church, and convert them to his own Uſe: Whereas before they carried the Offerings to the Biſhop, who made a Dividend of them. But as an Acknowledgement of the Biſhop's Superiority, every Miniſter preſented him with a third Part of theſe Offerings, and ſomething more, as a Mark of Reſpect paid to the Epiſcopal Chair, which was call'd *The Cathedral* (*a*). They alſo divided the Lands, and aſſigned to every Man his Share.

But theſe Changes were not made in all places, nor all at one time, where they were made; nor by any publick Edict, but in the manner wherein all Cuſtoms are introduced, obtaining and enlarging themſelves inſenſibly, eſpecially bad ones, which make the ſwifter Progreſs, and find leſs Oppoſition.

(*a*) Cathedraticum etiam non amplius quam vetuſti moris eſſe conſtiterit, ab ejus loci Presbytero noveris exigendum. *Gelaſius Fabiano Epiſcopo, anno* 494. *Can.* 5. *q.* 3. *cauſa* 10.

Illud te volumus modis omnibus cuſtodire, ne qui Epiſcoporum Siciliæ de Parœchiis ad te pertinentibus nomine Cathedratici amplius quam duos ſolidos præſumant accipere Pelagius. *Anno* 580. *Can.* 4.

The Council of *Braga* had fix'd this Right eight Years before.

Whilſt

Whilſt the Affairs of the Church were in this poſture, the Princes diſtributed the publick Lands among the Soldiers, upon Conditions of ſeveral natures; ſome of guarding the Frontiers, ſome of ſerving the State in Civil Affairs, or in the Wars, ſome of defending the Cities and ſtrong Places. And theſe Eſtates, which in the Language of the *Franks* and *Lombards* were call'd *Fiefs*; in the *Latin* Tongue, which was not then wholly extinct, were called *Beneficia*, as held of the Prince's Bounty (1). For the ſame reaſon the Portions of Eccleſiaſtical Eſtates, or the Right of poſſeſſing them, were alſo call'd *Benefices*, becauſe they were in that reſpect like Biſhopricks given by the Prince; or by the Biſhop, who with the permiſſion of the Prince, conferr'd the other Dignities. Beſides that the Church-men are conſider'd as a ſort of Spiritual Soldiers, who keep conſtant Guard, and exerciſe a ſacred Warfare.

The Abbies beyond the Mountains by this time being grown to vaſt Poſſeſſions, the Mayors of the Palace took upon them the Authority of making the Abbots: For which the Uſage of thoſe times, in making the Monks all of meer Laymen, gave alſo a fair Occaſion; unleſs ſometimes, as a thing of Grace, the Monks had leave to chooſe an Abbot themſelves.

In *Italy*, where the Wealth of the Monaſteries had not made them conſiderable before the Year 750, they had paſs'd unregarded by the *Gothick* Kings, the Emperors, and the Kings of *Lombardy*; ſo that the Election remain'd ſtill in the Monks only, with the Superintendency of the Biſhop.

(1) That which *Marculf* calls *Munus Regium* is nothing but a Fief, according to Monſ. *Bignon. Dedit igitur vir ille per manu noſtra conjugi ſuæ, illi villas nuncupantes illas, quas aut munere regio, aut de alode Parentum vel undecunque ad præſens tenere videtur.* Lib. 1. formula 12.

But the Bishops being become uneasy to the Monasteries, by their aspiring to too much Power, the Abbots and Monks, to deliver themselves from this Subjection, betook themselves to the Pope; beseeching him to exempt them from the Bishops Jurisdiction, and to take them into his immediate Protection.

This was gladly embrac'd by the Popes, who saw their Interests, in creating, by this means, an immediate Dependance on themselves, in Cities belonging to other Governments; and in enlarging their Authority over the Bishops. Besides that it imported extreamly, that so great a Body as that of the Monks, who in those times were almost the only Persons, who addicted themselves to Learning, should depend intirely on the See of *Rome*. And this Exemption quickly extended itself to all the Monasteries, which by this means became more closely united to that See, and separated from the Bishops (2).

CHAP.

(2) The Abbots, saith *Frà. Paolo, Lib. 2. Council of Trent*, resolv'd to withdraw themselves from the Obedience of the Bishops, beseeching the Popes to take them under the Protection of St. *Peter*, so as to be under no Authority but that of the holy See: Who gladly receiv'd them, as it turn'd much to its interest, seeing it is always theirs who obtain Privileges, to support his Authority who grants them. St. *Bernard* detesting this Innovation, remonstrates to Pope *Eugene* III. the great Abuse of an Abbot's refusing to obey his Bishop, and the Bishop his Metropolitan: That the Church Militant ought to govern it self after the Example of the Church Triumphant, where an Angel never saith, I will not submit to an Archangel: But what would this Saint have said, had he liv'd in one of the following Ages? St. *Bernard*, saith *Mezeray*, tho' a Monk, and most zealous for the holy See, loudly condemns these Exemptions. For, saith he, to exempt Abbots from the Jurisdiction of Bishops, what is it other, than to command them to rebel? And is it not as monstrous a Deformity in the Body of

of the Church, to unite immediately a Chapter or an Abbey to the holy See, as in a human Body to join a Finger to a Head? But it is obſervable by the way, That the Exemption from temporal Rights, which the Biſhops themſelves had granted them, opened the Door to this Spiritual Exemption.

Tune tibi licitum cenſcas ſuis Eccleſias mutilare membris, confundere ordinem, perturbare terminos, quos poſuerunt patres tui? ——— Monſtrum facis, ſi manui digitum ſubmovens facis pendere de capite, ſuperiorem manui, brachio collaterem. Tale eſt, ſi in Chriſti corpore membra aliter locas, quam diſpoſuit ipſe —— Sicut Seraphim & Cherubim, ac cæteri quique uſque ad Angelos, & Archangelos, ordinantur ſub uno capite, Deo: Ita hic quoque ſub uno ſummo Pontifice Primates, vel Patriarchæ, Archiepiſcopi, Epiſcopi, Presbyteri, vel Abbates, & reliqui in hunc modum —— Quod ſi dicat Epiſcopus, nolo eſſe ſub Archiepiſcopo: Aut Abbas, nolo obedire Epiſcopo, hoc de Cœlo non eſt: Niſi tu forte Angelorum quempiam dicentem audiſti; Nolo ſub Archangelis eſſe, *&c. De conſiderat. lib.* 3. *cap.* 4.

CHAP. XI.

IN *France*, the Biſhops gave themſelves up intirely to ſecular Cares: And ſeeing thoſe who were made by the King had no reſtraint on their Behaviour, it was leſs to be expected the others ſhould have any, who were made by the Mayors of the Palace, when the Royal Authority was ſo much declin'd. The Abbots too had their Avocations from the Functions they were at firſt deſign'd to; furniſhing the King with Soldiers, and going themſelves in perſon to the Wars; but not to do the Duty of Miniſters of CHRIST, but to draw their Swords in the Field (1).

(1) *The Uſe of Arms was forbid by the* Chap. 61. lib. 6. *of the Capitulars.* Si quis Epiſcopus, Presbyter, Diaconus, vel Sub-diaconus, ad bellum proceſſerit, & arma bellica indutus fuerit ad belligerendum ab omni officio deponatur, in tantum ut nec Laicam Communionem habeat.

This furniſh'd them with an Occaſion to take all to themſelves, inſtead of being contented with the Fourth Part; ſo in this Military Capacity they plunder'd the poor Prieſts who adminiſter'd the Word of GOD and Sacraments to the People, and had nothing left to maintain them: And this oblig'd the People, every Man according to his Zeal, and his Devotion, to contribute to their Maintenance out of his own Eſtate.

But the difference betwixt the Liberality of Contributions in one place and another, occaſioning ſometimes great Complaints, the Queſtion grew, What was the reaſonable Part for the Curate? And the receiv'd Opinion of thoſe times was, That it ought to be determin'd by the Divine Law in the Old Teſtament, which gave him the Tenth. And ſeeing GOD had enjoin'd this to the *Jewiſh* Nation (*a*), it was eaſy to repreſent it as due alſo under the Evangelick Law; tho' our SAVIOUR JESUS CHRIST, and St. *Paul*, are ſilent in it, farther than to ſay, That the People ought to make a neceſſary Proviſion for the Miniſter (*b*), and that he who labours is worthy of his Hire (*c*); and that thoſe who ſerve at the Altar ought to live by it (*d*): But without preſcribing any fix'd Proportion, becauſe in ſome caſes the Tenth Part would be too little, and in others the 100th Part would be ſufficient.

But as this is a thing in itſelf ſo evident, and I ſhall have occaſion to reſume the Subject, and treat

(*a*) Decimas tuas non tardabis reddere, *Exod.* 22. Offeretis Decimas, & primitias manuum veſtrarum, *Deut.* 12.

(*b*) Dignus eſt operarius mercede ſua, *Luc.* 10. & 1 *Tim.* 5.

(*c*) Dignus eſt operarius cibo ſuo, *Matth.* 10.

(*d*) Qui altari deſerviunt, cum Altari participant——— Dominus ordinavit eis, qui Evangelium annunciant, de Evangelio vivere. 1 *Cor.* 9.

it

it more at large hereafter, I will leave it now; only with this Obſervation, that all the Sermons of thoſe times, and for ſome Ages after, without touching on Matters of Faith, were all pointed to prove the Obligation of paying Tythes (2); which the Neceſſities, and Intereſts of the Curates or Miniſters, induc'd them to amplify and enforce with all their Eloquence: This, as it happens ſometimes to Orators, carry'd them ſo far, as to place all Chriſtian Perfection in that one Merit of paying Tythes: And not contented with Predial Tythes, they began to claim perſonal alſo; that is to ſay, the Tythe of every Man's Trade and Induſtry, not excepting even that of hunting, and the Soldiers Pay.

As many of theſe Sermons are extant without the Authors Names, ſome of them, through miſtake or deſign, have been attributed to St. *Auguſtine*, and other ancient Writers. But beſides that the Stile diſcovers that they have been made about the Year 800 (3), Hiſtory puts it out of all doubt, that there never

(2) A Preacher in the time of *Charlemaign* inform'd his Audience, That they ought not only to pay Tythes to the Prieſts, but to carry them to their Houſes.

Nec debetis expectare ut Preſbyteri & Clerici alii decimas vobis requirant, ſed cum bona voluntate vos ipſi ſine admonitione debetis donare, & ad domum Presbyteri ducere.

In the Appendix to the Capitulars, *p.* 1376. ſee *lib.* 6. of theſe Capitulars, *chap.* 192. where the Prieſts are enjoin'd to preach to this purpoſe. Againſt which Abuſe *Alcuinus* inveighs in one of his *Letters*.

Tu vero, *faith he*, frater dilecte, fili chariſſime, perge in opere Dei, & eſto Prædicator veritatis, non Decimarum exactor; quia Novella Anima Apoſtolicæ Pietatis Lacte nutrienda eſt, donec creſcat, convaleſcat & roboretur ad acceptionem ſolidi cibi Quid imponendum eſt Jugum cervicibus Idiotarum, quod neque nos neque fratres noſtri ſufferre potuerunt? *Ep.* 7. *apud Mabillon, tom.* 4. *Analectorum, p.* 279.

(3) Cardinal *Perron* ſaith, That

never were any Tythes paid either in *Africk* or in the Eaſt, and that they owe their Original to *France* (4), as hath been before obſerved.

theſe Pieces were forg'd by the Monks in the time of *Charlemaign*, becauſe they liv'd moſt at that time by tranſcribing Books. *Perroniana.*

(4) *The Council of* Maſcon, Anno 585, *proceeded to excommunicate thoſe who paid not Tythes.* Statuimus, & decernimus, ut mos antiquus à fidelibus reparetur, & decimas Eccleſiaſticis famulantibus populus omnis inferat, quas ſacerdotes aut in pauperum uſum, aut in Captivorum redemptionem erogantes ſuis orationibus pacem populoque ſalutem impetrent. Siquis autem contumax noſtris ſtatutis ſaluberrimis fuerit, a membris Eccleſiæ omni tempore ſeparetur. *Can.* 5. *in fine.*

CHAP. XII.

I Come now to *Italy*, where for many Ages none was ordain'd to the Prieſthood, who had not at the ſame time ſome particular Cure aſſign'd him, unleſs in the caſe of ſome eminent Man for Piety and Learning, who would not accept the Care of any Pariſh at his Ordination, that might divert him from his ſacred Studies. St. *Jerom* and St. *Paulinus* were thus ordain'd Prieſts, one at *Antioch*, the other at *Barcelona* (*a*); and except on this occaſion, Antiquity knew no diſtinction betwixt Ordination and a Benefice, which was always aſſign'd him, and which gave a Right to be entertain'd out of the Common-Stock of the Church.

(*a*) Ea conditione in Barcinonenſi Eccleſia conſecrari adductus ſum, ut ipſi Eccleſiæ non alligarer in ſacerdotium tantum Domini, non etiam in locum Eccleſiæ dedicatus. *Paulin. Ep.* 1. *ad Severum, Num.* 10.

But

But when Church-men of Merit happen'd, by the Calamities of War, to be driven from their Miniſtry, and receiv'd into other Churches, where they were maintain'd out of the common Purſe, in the ſame manner with the Clergy of the place; as any Vacancy happen'd, by Death or otherwiſe, it was fill'd by ſome one of the ſtrange Clergy, who being thus provided for, was call'd *Incardinatus* (1); and he who ſtepp'd into a Miniſtry, having had none before, was call'd *Ordinatus*.

This Uſage began in *Italy* before the Year 600, when many Biſhops and other Clergymen were plunder'd, and driven from their Cures, by the Ravages of the *Lombards*, and were thus replac'd in other Churches, as Miniſteries became vacant. The Biſhops were call'd *Epiſcopi Cardinales* (*b*), and the Prieſts *Presbyteri Cardinales* (*c*).

Now

(1) That is, ſpeaking ſtrictly, admitted into a Society, tranſferr'd, or tranſplanted.

(*b*) Et temporis neceſſitas nos perurget, & imminutio exigit Perſonarum, ut deſtitutæ Eccleſiæ veſtræ ſalubri debeamus diſpoſitione ſuccurrere; & ideo ſecundum deſiderium veſtrum fratrem & Co-epiſcopum noſtrum illum, cujus Eccleſia eſt ab hoſtibus occupata, Cardinalem veſtræ Eccleſiæ, ſicut petiiſtis, conſtituimus ſacerdotem, quatenus vos de propitio, & ordinando, & vigilando, ſolicite ſtudeat gubernare, cui dedimus in mandatis, ne unquam ordinationes præſumat illicitas. *Liber Diurnus ſumm. Pontif. Tit.* 11. *cap.* 3.

(*c*) Hæc vox, *ſaith* Onuphrius Panvinius, *in his Interpretation of Eccleſiaſtical Names*, eſt frequens in Regiſtro D. Gregorii, & Epiſtolis Pontificum Roman. Decretalibus, quibus is Cardinalis dicitur Presbyter vel Diaconus, qui certæ alicui Eccleſiæ, vel Diaconiæ proprius & ad certi alicujus tituli ſive Eccleſiæ miniſterium ordinatus, inſertus, annexus, & ut ipſe loquitur incardinatus eſt. Nam S. Gregorio idem eſt, Cardinalem conſtituere in aliquo titulo, vel Eccleſia, quod incardinare alicui Eccleſiæ, vel in aliqua Eccleſia cardinare. Idem etiam de Epiſcopis dicit quod de ſua Eccleſia ad aliam neceſſitatis cauſa tranſlatos, Epiſcopos quidem Ec-

Now, the greateſt part of thoſe who were ſo driven from their own Churches, betaking themſelves to thoſe of *Rome* and *Ravenna*, which were the richeſt, and had the moſt employments in the Miniſtery to give, and theſe ſtrangers finding a welcome Reception there, both in regard of the abundance in thoſe Churches, and of the great concourſe it drew to them of the moſt eminent perſons of all kinds (which we ſee continu'd to this day) it rarely happen'd, that any of their own People were ordain'd, but commonly ſtrangers: And this was the reaſon, why in theſe two Churches, all who had any Miniſtry, were call'd *Cardinales*: A Name which ſtill remains in the Church of *Rome*, but not in that of *Ravenna*; which *Paul* III. abrogated in the Year 1543.

Thus the Name of Cardinal, which firſt deriv'd it ſelf from a very low and abject condition, is, by a Change of Signification, become a Title ſo elevated, that Cardinals are now ſaid to be, *Quaſi Cardines omnium terrarum* (2): And that which at firſt was no Degree

cleſiæ ſuæ, illius vero ad quam tranſlati ſunt, ſacerdotes ſive Pontifices Cardinales vocat.

Where is to be obſerv'd, That by the Phraſe *incardinare aliquem*, St. *Gregory* means ſometimes, To make a Biſhop.

Machiavel gives the following Account of the Original of Cardinals. Under the Pontificate of *Paſc.* I. ſaith he, the Curates of *Rome* took upon them the Pompous Title of Cardinals, as an addition to the Honour of being the neareſt Miniſters to the Pope's Perſon, and of having a ſhare in his Election; And their Authority encreaſed to that degree, eſpecially after they had defeated the People of *Rome* of the Right of electing the Pope, that the Pontificate almoſt always fell upon one of them. *Lib.* 1. *Hiſt. of Florence.*

(2) That is to ſay, The Hinges or Axis on which the Government of the univerſal Church turns. And accordingly the Council of *Baſil* expreſſes itſelf, *viz.* Cum ſummo Pontifici S. R. E. Cardinales in dirigenda Chriſtiana Republica Collaterales aſſiſtant, neceſſe eſt, ut

Degree nor Order in the Church, but introduc'd by meer Accidents of calamity, is exalted to that pitch of human Grandeur and Dignity, which we see it in possession of at this day.

But whoever will look into the most celebrated Councils held at *Rome*, will find that the Cardinal *Roman* Priests, in their publick Writings, have always signed under the *Italian* Bishops; and that even in After-Times, no Bishop was made a Cardinal-Priest.

The first Bishops who were made Cardinals, were Persons of Note, who had been driven from their Churches; for instance, *Conrade* Bishop of *Mentz*, who having been treated as a Rebel by the Emperor *Frederick* I. was receiv'd with open Arms by Pope *Alexander* III. and made Cardinal of St. *Sabin*. In those days, and until the time of Pope *Innocent* IV. the Cardinals wore no Habit, nor any Mark of Distinction. He gave them the Red-Hat on *Christmas*-Eve (3) in the Year 1244. And *Paul* II. added the Red-Cap (4) to be worn by all the Cardinals, except such as were Monks or Regulars; yet to these also it hath been granted since by *Gregory* XIV.

ut tales instituantur, qui sicut nomine ita re ipsa Cardines sint, super quos ostia universalis vertentur & sustententur Ecclesiæ. *Sess.* 23.

Sicut per Cardinem volvitur ostium Domus, *saith* Eug. IV. ita super hos sedes Apostolica totius Ecclesiæ ostium quiescit & sustentatur.

(3) Hic in vigilia natalis Domini 1244. Lugduni in Concilio generali 12 Cardinalibus viris excellentissimis creatis, ejus ordinis hominibus proprium insigne, pileum rubrum dedit ---- quo significabatur eos etiam caput suum, si opus esset, pro Ecclesiastica Libertate tuenda gladio offerre debere, & præsertim eo tempore quo Romana Ecclesia à Frederico II. Imp. vehementer oppugnabatur.

Onuphr. Panvin. annot. ad vit. Innoc. 4.

(4) And also Housings or Horseclothes of Scarlet, when they rode on horseback. *Quibus etiam*, saith *Platina*, in this Pope's Life, *pannum coccinei coloris, dono dedit, quo Equos, vel Mulas sternerent dum equitant.*

We

We have thought a ſhort Deduction of this ſplendid Order, from the Original, neceſſary in this place, as it concerns ſo eminent a Dignity, which at this day holds the ſecond place in the Church, and for which, the World ſeems not to afford Titles pompous enough (5). [*Urban* VIII. who reigns at preſent, gave them the Title of *Eminence*, by a ſolemn Bull (6).]

(5) That we may have every thing before us upon this Subject, what *Mezeray* ſays of Cardinals ſeems to merit a place in our Obſervations. 'In the Life 'of *Phil. Auguſtus*, ſaith he, 'the Aſſiſtance of ſo many Men, 'choſen out of all Degrees, in 'the Weſtern Church, which 'ſupply'd the ſacred College, 'contributed not a little to ſup'port the Popes under the Bur'den of their Affairs, and to 'encreaſe their Authority in 'the moſt diſtant Countries; 'but being thus aggrandiz'd by 'their means, they deliver'd 'themſelves from their Depen'dance.'

(6) Theſe laſt Words have been added to the Original, in the *Italian*, either by the Copiers or the Printers, who probably have miſtaken a Marginal Note for Part of the Text: For *Fra. Paolo* was dead before *Urban* VIII. obtain'd the Chair.

CHAP. XIII.

FROM the firſt Eſtabliſhment of the Church, until near the Year 500, every Prieſt, as we have already ſhewn, was ordain'd to ſome particular Cure or Miniſtry, and liv'd upon the common Stock: And after Benefices came in uſe, no perſon was ordain'd, without a Deſignation to ſome particular Benefice for his Maintenance.

But in proceſs of time, it became the Practice, That if any Man well qualify'd for the Miniſtry happen'd to appear, tho' there were no room, nor Benefice vacant, the Biſhop, for fear of loſing him, thought

thought fit to ordain him without Office or Title, and conſequently without Benefice, in expectation of one becoming vacant. And theſe Supernumeraries without Title, were Co-adjutors to thoſe who had Benefices; who, for their Service, allow'd them a Subſiſtence.

But in time alſo this ſort of Clergy, without Benefices, encreaſing to an exceſſive Number, and the Beneficiaries growing weary of their Charity towards them, it produc'd a multitude of Scandals and Indecencies, which it was neceſſary to remedy by Law; by which, the Biſhops were oblig'd to maintain all the Clergy themſelves, whom they ſo ordain'd without Title (*a*).

This, at the beginning, put ſome ſtop to the Diſtemper: which, tho' often ſuppreſs'd for a while, as often return'd; for which there were two apparent Cauſes: One was a prevailing Deſire among the People in thoſe days, of getting into Orders, that they might enjoy the Privilege of Exemptions, and withdraw themſelves from the Juriſdiction of Princes: The other was, an aſpiring in Prelates to Dominion, by encreaſing the Number of their Subjects. Nor have yet theſe Diſorders met with ſuch a Remedy, but that frequent Indecencies ſtill happen in many Kingdoms, to the great diminution of the People's Reſpect for Religion.

(*a*) Epiſcopus ſi aliquem ſine certo titulo de quo neceſſaria vitæ percipiat, in Diaconum & Presbyterum ordinaverit, tam diu ei neceſſaria ſubminiſtret, donec in aliqua Eccleſia ei convenientia ſtipendia Militiæ clericalis aſſignet. Niſi talis ordinatus de ſua paterna hæreditate, vel alia honeſtatis cauſa ſubſidium poſſit habere.

This Canon was made by the Council of *Lateran*, under *Alexander* III. and is to be found in the 4th *Chap. Extra de Præbendis.*

CHAP.

CHAP. XIV.

NEither hath the Epiſcopal Order itſelf eſcap'd this Abuſe, ſince Biſhops were begun to be made only Titular, and by deriſion call'd *Nullatenentes* (1). Yet it cannot be ſaid but ſome more Ceremony is uſed in making theſe, than in the caſe of other Prieſts without Benefices. For tho' Prieſts and Deacons, and other inferior Miniſters are ordain'd without any Cure aſſign'd them, either real or nominal, there is no Inſtance of a Biſhop being ordain'd without a Dioceſs aſſign'd him, from which he takes his Title, tho' it be *in Partibus Infidelium*. But in that caſe having no Chriſtian in his Dioceſs, and only a Name without a People, he lives by ſerving ſome great Biſhop, who cannot attend the Epiſcopal Functions, or thinks them too inferior for him to officiate in perſon. And theſe Titular Biſhops, before the Council of *Trent*, were in great abundance, tho' now their number is very much reduc'd.

(1) That is to ſay, *Holding nothing*. A *Spaniſh* Biſhop maintain'd in the Council of *Trent*, That a Biſhoprick neceſſarily requir'd a Dioceſs; that a Biſhop and his Church are Co-relatives like Man and Wife; That no Footſtep can be found in all Antiquity, where Biſhops who quitted their Biſhopricks, or were depriv'd of them, ever paſs'd afterwards for ſuch, any more than a Man, who hath loſt his Wife, for a Husband.

An *Italian* Biſhop reply'd, That the Titular Biſhops having only the Power and Vertue of Order in them, their having a Church was not neceſſary: That if in former Times no Biſhop was ordain'd without having a Church aſſign'd him, it was becauſe neither Prieſt nor Deacon was then ordain'd without a Title: That ſince that time, it had been found for the Service of GOD and the Church, that there ſhould be Prieſts without Titles; and conſequently Biſhops without a Dioceſs. *Fra. Paolo, lib.* 8. *Conc. Trent.*

Indeed

Indeed ſeeing the Jeſuits have ſtarted a Queſtion, Whether the Pope hath power to ordain Biſhops without any Title at all, real or nominal, and that they have been pleas'd to decide it in his favour, we think it is beſt anſwer'd by a Prayer, That GOD would pleaſe never to ſuffer ſuch Power to be put in practice, leſt the Reverence for this Order alſo be loſt, which had been in general preſerv'd, and with the higheſt Obſervance towards all Eccleſiaſtical Orders, while no man was ordain'd that had not a particular Miniſtry aſſign'd him: And it had this effect, that every man was reſident, ſince none could be found to ſpare, to officiate for another.

As the Abuſe of Non-reſidence was then utterly unknown, ſo alſo was the Diſtinction betwixt Benefices, which oblige to Reſidence; and thoſe which do not. And were the Benefice rich or poor, or the Buſineſs of it great or little, the Incumbent could no way avoid ſerving in perſon.

But after they began to ordain without Titles, thoſe who had Titles were from hence ſupply'd with Curates for ſmall Salaries, which afforded the Titulars a convenient Leiſure to follow other Buſineſs. Accordingly the Biſhops in *France*, and even the Pariſh-Prieſts, ſubſtituting ſome poor Prieſts in their room, paſs'd much of their time at Court.

A little before the Year 800, this Abuſe began to be remedy'd, not by Laws or Ordinances, but by Cenſures and Deprivations; which Severities ſerv'd to keep the Beneficiaries in ſome order. Yet the ſplitting of Benefices, Ordination without Titles, and Regulations for Reſidence, could not, in the progreſs of theſe Inſtitutions, through ſo many different Places, paſs without ſome Variations in the Practice. Nor were they avoidable even in the ſame Church ſometimes, from the different Views and

Deſigns

Deſigns of ſucceeding Biſhops, or the different Orders and Proviſions made from time to time by Princes, to obviate the Diſorders ariſing from the Wilfulneſs of ſome Churchmen, too buſy or enterprizing; or the Reſentment of ſome Laymen, who could not, with patience, bear to be excluded from the Management of Eccleſiaſtical Affairs.

CHAP. XV.

THings were in this continual Fluctuation until the time of *Charlemaign*, who having brought *Italy*, *France*, and *Germany* under his Subjection, made Reformations in the Affairs of the Church, by reducing the different Inſtitutions he found in different Places, to one eſtabliſh'd Form; by reviving many of the old Synodical Canons that were grown obſolete; and by making ſeveral Eccleſiaſtical Laws concerning the Diſtributions of Benefices, according to the Exigency of the Times.

He reſtor'd in part to the Pariſh-Prieſts or Curates, the Eſtates which (as we have already ſhewn) the Biſhops had taken to themſelves; ordering, that every Curate ſhould have a Share aſſign'd him of the Revenue or Fund call'd, *the Manſo*. (1)

At this time the Cuſtom of paying Tythes to the Pariſh-Church, which had been long eſtabliſh'd in *France*, paſs'd into *Italy*. Only *Charlemaign* added, That the Biſhop, as Super-Intendant and Paſtor-

(1) That is to ſay, All that is neceſſary for Subſiſtence. As St. *Cyprian* obſerves in the Life of *Cæſarius* of *Arles*; *Donec omnes ab ipſo eſſent redempti, eo argento, quo Anteceſſor ejus Eonius Eccleſiæ Menſæ reliquerat.* In Feodal Matters, we yet uſe the Word *Table*.

General,

General, might regulate the Diſtribution of Tythes (*a*) according to his Diſcretion.

And therefore in places of Plenty, and where the Tythes were large, the Biſhops diſtributed them ſeveral ways: One part they took to themſelves, another they aſſign'd to the Prieſts of their Cathedral; and ſome part alſo to the Monaſteries, on condition they ſhould appoint a Vicar in the Cure, allowing him a convenient Stipend.

Beſides this Appointment of the Biſhops, ſometimes the Non-Parochial Churches took to themſelves ſome other part, which in time they came to defend by Preſcription. And Princes alſo aſſign'd Tythes to Churches, for which they had ſome particular Devotion.

Charlemaign likewiſe reſtor'd to the Cities, the Liberty of electing their own Biſhops, allowing the Clergy and the People to preſent ſome one out of their own Dioceſs; who, when approv'd by the Prince, and inveſted by receiving the Croſier and the Ring, was conſecrated by the neighbouring Biſhops.

This Emperor reſtor'd likewiſe to the Monks, the Liberty of Electing their Abbots (*b*). He order'd farther, That Biſhops ſhould ordain ſuch for Prieſts, as ſhould be preſented to them by the Pariſhioners.

(*a*) Ut Decimæ in poteſtate Epiſcopi ſint, qualiter a Presbyteris diſpenſentur, *Cap.* 143. *lib.* 1. *Capitular.*

(*b*) Monachorum ſiquidem cauſam qualiter Deo opitulante ex parte diſpoſuerimus, & quomodo ex ſe ipſis ſibi eligendi licentiam dederimus, & qualiter quiete vivere, propoſitumque indefeſſi cuſtodire valerent, ordinaverimus, in alia ſchedula diligenter adnotari fecimus, & ut apud ſucceſſores noſtros ratum foret, & inviolabiliter conſervaretur, confirmavimus.

Finally,

Finally, he eſtabliſh'd the Election of the Pope in the ſame Method that had been practis'd in the times when the Emperors of the Eaſt reign'd in *Rome*; which was, That the Clergy and People ſhould elect, and the Decree of the Election ſhould be ſent to the Emperor, which if confirm'd by him *(c)*, the Elect was to be conſecrated.

True it is indeed, that after the Death of *Charlemaign*, the Weakneſs of his Poſterity either in Power or Underſtanding, gave advantage to the Popes, who were choſen by the People, to make themſelves be conſecrated without ſtaying for the Emperor's Confirmation: So *Paſcal* dealt with *Lewis* the Son of the Emperor *Charles*, tho' he afterwards ſent to excuſe it, pretending he was compell'd by the People to comply.

(*c*) See here the Oath, which the Clergy and the People of *Rome* took to *Lewis* the *Debonair*, and to *Lotharius* his Son, *Anno*, 824.

Promitto ego ille per Deum omnipotentem, & per iſta quatuor Evangelia, & per hanc crucem Domini noſtri Jeſu Chriſti, & per corpus beatiſſimi Petri, Principis Apoſtolorum, quod ab hac die in futurum fidelis ero Dominis noſtris Imperatoribus Ludovico & Lothario diebus vitæ meæ, juxta vires & intellectum meum, ſine fraude ac malo ingenio, ſalva fide, quam repromiſi Domino Apoſtolico; & quod non conſentiam, ut aliter in hac ſede Romana fiat Electio Pontificis, niſi canonice & juſte, ſecundum vires & intellectum meum; & ille qui electus fuerit, me conſentiente, conſecratus Pontifex non fiat, priuſquam tale ſacramentum faciat in præſentia Miſſi Dominici Imperatoris, & populi cum Juramento, quale Dominus Eugenius Papa ſponte pro conſervatione omnium factum habet per ſcriptum. *Tomo* 1. *Capitul. pag.* 647. *vide Thegan. ad annum* 827.

Perduravit hæc conſuetudo, (*ſaith* Onuphrius) uſque ad Benedictum II. cujus ſanctitate permotus Conſtantinus Imperator, Heraclii pronepos, edicto ſuo juſſit, ut deinceps, quem Clerus, Populuſque Rom. Pontificem delegiſſent, is, nulla amplius Imperatoris confirmatione expectata, more vetuſtiſſimo ſtatim ab Epiſcopis ordinaretur. *Annot. ad vit. Pelagii* II.

Some

Some there are who affirm, that *Lewis* renounc'd the Right of confirming the Pope, and alledge for proof, the Canon *Ego Ludovicus* *; which many others of great Learning, and with great appearance of Reaſon, maintain to be a meer Figment (2). But it would be time miſpent to reaſon any longer upon it, ſeeing it is out of all controverſy, that *Lotharius* and *Lewis* II. Son and Grandſon of this Emperor, confirm'd all the Popes elected in their times.

* *Diſtinct.* 63. Vide Florum de Electionibus, in fine operum Agobardi, *cap.* 6. *pag.* 258. & ibi Baluzium. Vide etiam Thegan. ad *annum* 816, & 817.

(2) Witneſs what *Platina* ſays in the Anſwer of *Lewis* the *Debonaire* to the Deputies from the Pope; That the People and *Roman* Clergy ought not to contradict ancient Cuſtom, nor the Agreement of their Fathers, and that they ſhould take great care for the future, how they offended againſt the *Imperial* Majeſty.

Paſchalis nulla interpoſita Imperatoris authoritate Pontifex creatur. Hanc ob rem ubi Pontificatum iniit, ſtatim legatos ad Ludovicum miſit, qui ejus rei culpam, omnem in Clerum & populum rejicerent, quod ab his vi coactus Pontificum munus obire. Accepta hac ſatisfactione Ludovicus reſpondit, Populo & Clero majorum inſtituta, & pacta ſervanda eſſe; caverent ne deinceps majeſtatem læderent. *In vita Paſchalis* I. *initio.*

As for the Authors, who have writ, that *Lewis* the *Debonaire* had renounc'd the Right of confirming the Popes, 'tis an Error perhaps which might ariſe from what *Platina* reports in the ſame Life, which the Library-Keeper *Anaſtaſius*, that is, Chancellor of the Holy See, relates, That *Lewis* granted to *Paſchal* the ſole Power of chooſing Biſhops, to whoſe Conſecration the Conſent of the Emperors was heretofore neceſſary.

Idem Bibliothecarius ſcribit Ludovicum liberam eligendorum Epiſcoporum poteſtatem Paſchali dediſſe, cum antea ea quoque in re Imperatores conſulerentur: Quam poteſtatem ab Hadriano Pont. Carolo conceſſam idem Author refert.

For, admitting that *Lewis* had reſign'd back to the Pope the Right of electing Biſhops, which Pope *Hadrian* had conferr'd on the Emperor *Charles* his Father, it doth not follow, that he was depriv'd of the Power of confirming the Election of the Popes. Add to this, that the Canon *Ego Ludovicus* is in a Stile very different from all the Acts of *Charlemaign* and *Lewis*, and that it is without Date or Seal.

In that Age, and the Times both preceding and following, when it ſometimes happen'd, that the Abſence of the Prince occaſion'd Delay of ſeveral Months in the Confirmation and Conſecration of the Pope; the Elect, however, did not aſſert his Choice by any Act of Government, until he were confirm'd, unleſs ſome Emergency made it neceſſary, and to ſupply a Defect in the Adminiſtration; as it happen'd in the caſe of St. *Gregory*: And he was not call'd *Epiſcopus*, but only *Electus*: Nor did he even hold the firſt place in the Church; but the Arch-Prieſt, who ſtil'd himſelf, *Servans Locum ſanctæ ſedis Apoſtolicæ*.

But after that Princes were excluded out of the Election, as ſhall be ſhewn in its proper place, there was but a ſmall Interval of Time betwixt Election and Conſecration. However, it was not ſaid that the Popedom was conferr'd by Election only, but by Conſecration alſo; ſo that if the Elect came to die before Conſecration, he was not placed in the Catalogues of Popes. Of which one *Stephen*, elected in the Year 752, after the Death of *Zacharias*, is an Inſtance, who, for not having been conſecrated, was never reckon'd in the number (*d*).

By what appears, *Nicholas* II. was the firſt Pope who decreed, in the Year 1059, That if at any time the Pope, through the Calamities of War, or other Effect of Malignity and Perverſeneſs, could not be crown'd, he ſhould nevertheleſs exerciſe his Authority, as the true and lawful Pope, in governing the

(*d*) Licet defuncto Zacharia, (*ſaith* Platina, *in the Life of Pope* Stephen II.) Stephanum quendam Presbyterum Roman. Pontificem Populus ſtatim creaſſet, qui tertia die Pontificatus ſui, dum res domeſticas diſponere incipit, morbo Apoplexiæ correptus, interiit.

Roman

Roman Church *, and in diſpoſing the Goods of the holy See.

However, there are ſome Traces left of the ancient Uſage; for if the Pope make a Bull before Conſecration, he doth not ſay, *Pontificatus noſtri anno* 1, but only, *à Die ſuſcepti a nobis Apoſtolatus Officii* †. And there want not thoſe who maintain, That the Pope, before his Conſecration, ought not to ſtile himſelf *Epiſcopus*, but *Electus*; and that he hath no Right to iſſue Bulls. Inſomuch that this Right being conteſted with *Clement* V. he publiſh'd a Bull in the Year 1306, to forbid under pain of Excommunication any ſuch Queſtion to be brought into diſpute ‖. So that it is now a ſettled Point againſt the Opinion of all Antiquity, That the Pope receives all his Authority from his ſole Election by the Cardinals. And it was in this View that the Writers of thoſe times have, with ſome pains and contrivance, inſerted this *Stephen* (3), whom we have lately mention'd, in the Catalogue of Popes: And to finiſh their Deſign, they have therefore given themſelves the trou-

* This Decretal is reported by *Gratian*, *diſt.* 23. *canon in nomine Domini.* 1.

† That is, from the Day of our having undertaken the Apoſtleſhip.

‖ This Decretal is in the Extravagant's Commun. *lib.* 5. *cap.* 4. *tit.* 10. Vide *John de Selva* de Beneficio, *part.* 1. *queſt.* 2. & *Blaz. Ortiz.* In Itinerario Adriani 6. *cap.* 7.

(3) *Onuphrius Panvinius*, an Author wholly devoted to the Church of *Rome*, has not reckon'd him as ſuch, neither in his Catalogue, nor Chronicle, of the Popes. He only mentions him in theſe Terms: *Antequam tamen Stephanus quidam Preſbyter a Populo creatus tertia poſt die obiit.* In Catalogo. Where is to be obſerv'd, that he names *Stephen* II. immediately after *Zacharias*; whereas he ſhould have named the *Stephen* in queſtion before *Stephen* II. who would have been *Stephen* III. if the other had been actually Pope, and ſo acknowledg'd. This ſhews, That at that time to be *Electus* was not all that was neceſſary to be *Epiſcopus*; and that a Man did not become *Epiſcopus*, but by Conſecration, which follow'd the Election.

ble to change the Numbers of all the following *Stephens* that were Popes, calling the second, the third; the third, the fourth; and so all the rest consequentially to the ninth, which they make the tenth (4), with vast Confusion and Contradiction among the old and new Writers, who are thus made to give one another the Lye, and only for the Interest of maintaining this single Point*.

(4) *The same* Panvinius *in his Notes on the Life of* Stephen V. *explains the matter*; viz. *That* Stephanus VI. dicendus esset, non V. quod ante Stephanum illum, quem Platina secundum vocat, fuerit Papa Stephanus alter qui triduò tantum vixit: Non enim plus vel minus vivendi ratio aliquem verum Pontificem facit, sed vera & legitima comitia, quibus Stephanum illum renunciatum esse constat. *Ideo & in Stephanis numerorum notæ mutandæ, & qui aliis est* 2, 3, 4, 5. *hic debet esse* 3, 4, 5, 6, *&c. usque ad* 10.

* The Dead have nothing left but Reputation, and to go about to deprive a Writer of his Veracity, is the only way of robbing him. And thus the poor dead Authors were charg'd with a Falsity and Insincerity, which hath not been set to rights again in some Ages.

CHAP. XVI.

IT is plain the Government of the Church in its beginning was intirely Democratical, all the Faithfull having a share in all Deliberations of moment. Thus we find them all assisting at the Election of *Matthias* to the Apostleship (1), and of the seven Deacons (2): And when St. *Peter* had receiv'd the Centurion *Cornelius*, who was a *Gentile* (3), into the number of Believers, he gave an account of it to the whole Church (4).

(1) Act. 1.
(2) Act. 6.
(3) Act. 10.
(4) Act. 11.

Thus

Thus the famous Council of *Jeruſalem* was compos'd of the Apoſtles, the Prieſts, and other Brethren in the Faith; and the Letters which were writ from that Aſſembly, went in the Name of thoſe Three Orders (*a*).

But as the Church increas'd in Numbers, the Faithful neglecting to aſſiſt any longer at thoſe publick Aſſemblies, and withdrawing themſelves to the Cares of their own Families, the Government reſted ſolely in the Miniſters of the Church, and ſo inſenſibly became Ariſtocratical; which brought all Affairs to have their Determinations by Councils: excepting as to Elections, which continued Popular ſtill. The Biſhops of the ſame Province aſſembled with their Metropolitan at leaſt twice a Year, and made a Provincial Synod. The Clergy with their Biſhop made a Dioceſan Synod. And almoſt daily they held an Aſſembly, call'd *The Conſiſtory*, in emulation of the Imperial Council of State, and as if they affected to rank themſelves with the Council which carry'd that Name.

In this Eccleſiaſtical Conſiſtory, which was compos'd of all the principal Perſons of the Churches in the City, aſſiſted by the Biſhop, all the Affairs of the Church were propos'd, debated and determin'd: A Cuſtom every where ſince aboliſh'd, except at *Rome*, and there the Shadow of it only remains. But after Benefices were erected, that the Prieſts had their Maintenance apart, they made the Intereſt of the Community ſo little their Care, that they ceas'd to go any longer to the Conſiſtory, which thus fell into diſuſe, and was held no more.

(*a*) Tunc placuit Apoſtolis & ſenioribus, cum omni Eccleſia mittere Antiochiam viros primos in fratribus, ſcribentes per manus eorum, Apoſtoli, & ſeniores Fratres, his qui ſunt Antiochiæ & Syriæ, & Ciliciæ, fratribus ex gentibus, Salutem. *Act. cap.* 15.

To ſupply this Failure, the Biſhops held an Aſſembly of all the Clergy of their Cathedral Church, to aſſiſt in their Councils, or otherwiſe to adminiſter in the Spiritual Government. And theſe receiving their Subſiſtence out of the common Stock, either by the Year, by the Month, or by the Day, were call'd *Canonici* [Canons] from the word *Canon*, which in the Weſtern Empire ſignify'd ſuch a Meaſure of Corn (*b*) as was ſufficient to feed a ſingle Man, a Family, or a City. And this Inſtitution of Canons took riſe a little before the Reign of *Charlemaign*, by whom alſo it receiv'd ſome Improvement in its Regulation.

(*b*) Canon (*ſaith* John Calvin *in his* Lexicon) in Conſtitutionibus Imperatoriis, anniverſariam penſitationem, collationem, & præſtationem ſignificat, quæ a Provincialibus quotannis populo vel Romano, vel Conſtantinopolitano gratis mittebatur, & ſpeciebus his conſtabat, frumento, vino, carne, oleo, *&c.*

And it is this Canon which *Caſſiodore* means, and which he commands the *Venetian* Tribunes to ſend in their Barks to *Ravenna*.

Data Juſſione cenſuimus, ut Iſtria vini & olei ſpecies ad Ravennatem dirigeret manſionem. Sed vos qui numeroſa navigia in ejus confinio poſſidetis, providete, ut quod illa parata eſt tradere, vos ſtudeatis ſub celeritate portare. *As for Canons*, Rara avis in terris (*ſaith the Abbot* Valuinus) Canonicus a Canone vitæ. Unde ergo? Audi unde, eſt namque Canon vitæ, & eſt Canon pecuniæ, *viz.* alicujus penſionis certæ, unde ſolet dici, ſolve Canonem meum. Eja ergo, ò Canonice! inveniamus Canonem tuum a quo derivaris, a Canone pecuniæ, non vitæ, id eſt, Canone Regionis, non à Canone Religionis. *In homilia de Zizania.*

CHAP.

CHAP. XVII.

IT is yet farther to be obſerv'd, that in thoſe times the Benefices and Revenues of the Church were grown to that ſize, that they became Rewards for the principal Men of the Court and Cities, who were made Biſhops, ſo the Biſhopricks fell to their ſhare, to whom alſo the Prince had committed a great part of the civil Government; at firſt only on extraordinary Occaſions, but after, finding Affairs go well in their hands, they were conſtantly employ'd, tho' not every where in the ſame Quality or Station, but as the particular Affairs of the Place, the Abilities of the Biſhop, or ſometimes the Incapacity of the Earl or *Comes* requir'd; which Defect was then ſupplied, by ſubſtituting the Biſhop in his room.

And hence it came, that when the Poſterity of *Charlemaign* fell into ſuch a State of Degeneracy, as to ſink at laſt into the moſt profound Ignorance of thoſe Ages, the Biſhops thought it adviſable no more to acknowledge this Authority as derived from the Prince, from whence it really came, but to aſſume it to themſelves, and exerciſe it as a Right peculiar to their Function, under the name of *Eccleſiaſtical Juriſdiction.*

Such was the Original of this Power, which we now ſee continually and ſo deſperately conteſted with Princes, even to the endangering the Peace of the beſt civil Governments, and throwing them ſometimes into Convulſions.

CHAP. XVIII.

THE want of Spirit and Genius in the Princes of *Charlemaign*'s Posterity, so requisite to fit them for Empire, made his Statutes of no long duration; so that the first Disorders regain'd apace. The People, in few places, and very rarely, had any share in the Election of the Bishops, and less in that of the other Ministers of the Church. The Bishops ordain'd whom they pleas'd, and dispos'd Benefices with the same liberty; except when the Prince pleas'd to recommend any Man, and then they never fail'd to obey. The Pope was always chosen by the People, and confirm'd by the Emperor before Consecration; and the other Bishops of *Italy* were never consecrated, until the Emperor had first approv'd them: And this was yet more strictly observ'd in *France* and *Germany*.

When the Pope would favour any Man's Pretensions to a Bishoprick neighbouring to *Rome*, he apply'd to the Emperor to desire his Nomination. And if it happen'd that the Pope were apply'd to for his Consecration of a Person who had not the Imperial Letters of Licence, he refus'd Consecration till he obtain'd it.

But the Posterity of *Charlemaign* having been driven out of *Italy* in the Year 884, Pope *Hadrian* III. ordain'd, That the Popes should, for the future, be consecrated, without applying to the Emperor (*a*) at all.

In

(*a*) Hadrianus III. *saith* Platina *in the beginning of his Life*, tanti animi fuit, ut initio Pontificatus sui statim ad senatum populumque retulerit, an. Dom. 895. ne in creando Pontifice Imperatoris authoritas expectaretur, utque libera essent, & Cleri

In treating on this Subject of Benefices, it will certainly not be foreign to our purpose to take notice of the Popedom itself, as we shall again have occasion to do in the Sequel of this Discourse, seeing it certainly is deservedly to be rank'd in the Number of Benefices; and as it has been expresly so stil'd by *Clement* III. in a time wherein the Pope had not only ascended to the highest pitch of human Greatness, but had taken also a particular Stile or Dignity to distinguish him form other Bishops.

Nothing is more known, than that the Names of *Sanctus*, *Sanctissimus*, *Beatus*, *Beatissimus*, were common to all Believers in CHRIST, when all Men under that Profession were aspiring to an absolute Perfection of Holiness. But when Secular Men became more engag'd in the Affairs of the World than was expedient or decent, and so quitted their Titles to those blessed Names, they fell to the share of the Ecclesiasticks only.

And after the Remissness that was found in the inferior Clergy, from their primitive Strictness of Life, these Names remain'd to the Bishops only; but when they too came to sink in their Characters, by too eager a Pursuit after the Things of this World, the Bishop of *Rome* alone retain'd these Titles, in whom they still continue, not as Designations of Virtue, but of Grandeur and Power.

Cleri & Populi Suffragia.—— Quod quidem Institutum à Nicholao I. tentatum potius quam inchoatum. Illectum credo hac opportunitate Hadrianum, quod Carolus (*this was* Charles *the Gross*) Imp. ab Italia cum Exercitu discedens in Normanos rebellantes moverat.

The same *Platina*, in the Life of Pope *Hadrian* II. saith, that *Lewis* the *Stammerer* approv'd the *Romans* having put the Pope in possession of the Popedom without staying for the Confirmation of the Emperor: On which false Step, 'tis probable, *Adrian* III. took the Resolution of excluding the Emperor from the Election of the Pope.

As

As for the Name of *Pontifex*, it was, and is a Name common to all Biſhops; and there are ſome Canons ſtill extant, wherein all Biſhops are ſtil'd *Summi Pontifices* (*b*). And even the Name of *Papa*, which ſeems to be a Title moſt peculiar to the *Pontifex Romanus*, was given indifferently to all Biſhops. St. *Cyprian*, Biſhop of *Carthage*, is call'd *Papa*; St. *Jerom* gives this Title to St. *Auguſtine*: And in later Times *Sidonius Apollinaris*, and many of the Biſhops, ſtile one another by the Name of *Popes* (*c*).

And we find in the Decretal of *Gratian*, Titles of ſeveral Canons, wherein *Martin* Biſhop of *Bragua* is call'd *Papa*.

Gregory VII. was the firſt who in the Year 1076 (*d*) decreed that the Name of Pope ſhould be peculiar to him and his Succeſſors, and be aſcrib'd to none but the *Roman* Papa (*e*).

And

(*b*) *Vide Witichind. pag.* 22. *Number* 10. Omnia (*ſaith the Capitular of* Aix la Chapelle) ſummis Pontificibus debentur, & non Chorepiſcopis, qui nec ſummi Pontifices nec Epiſcopi fuerunt. *cap.* 6. *anno* 803.

(*c*) Hanc vocem, (*ſaith* Panvinius *in his Interpretation of Eccleſiaſtical Names*) omnes antiqui Chriſtianorum Epiſcopi pro Patre, & ſive majore Patre frequentarunt, & præſertim magnarum & inſignium urbium, ut Romæ, Carthaginis, Alexandriæ, Antiochiæ, Hieroſolymorum, &c. Cornelius enim Epiſcopus Romanus, & alii multi in Epiſtolis ſuis Cyprianum Carthag. Epiſcopum Papam & Papatem vocant. Dionyſius Alexandrinus Ep. Heraclam Predeceſſorem ſuum in Epiſt. ad Philemonem Presbyt. Romanum beatum Papam nominat. Similiter Athanaſius, Theophilus & Cyrillus Epiſcopi Alexandrini Papæ dicuntur. Sidonius in Epiſcopis ſuis paſſim omnes Galliarum Epiſcopos Papas appellat. *Vide Savoronem ad Epiſt.* 1. *lib.* 6. *Epiſt. Sidonii Apollinaris.*

(*d*) In a Council held at *Rome*. *Vide Sirmond. ad Ennodium, Lib.* 4. *Ep.* 1.

(*e*) Hæc vox (*ſaith* Panvinius, ibid.) poſt Gregorii I. tempora, reliquis Epiſcopis adempta, ſoli Romano Pontifici attributa eſt, qui & Apoſtolicus eſt aliquando dictus, ob præcipuæ Apoſtolicæ ſedis, cui præeſt, reverentiam.

In

And this Matter was carry'd ſo high, and with ſo much Appearance of Party-rage and Faction, that *Anſelm* Biſhop of *Lucca*, one of his Followers, hath not ſcrupl'd to ſay, That *it is as abſurd and impious to ſuppoſe there are more* Popes *than One, as that there are more than One* GOD.

In which *Panvinius* and *Frà. Paolo* are very different: but as the firſt liv'd in the Court of *Rome*, it look'd like a Compliment to that Court, to diſallow the Name of Pope to the Biſhops, four Ages before the Pontificate of *Gregory* VII. But tho' this Pope had taken it away from the other Biſhops, yet *Urban* II. his Succeſſor, ſcruples not to call *Anſelm* Archbiſhop of *Canterbury, Papam alterius orbis.*

CHAP. XIX.

BUT to return to the Times immediately following the Line of *Charlemaign*; *France* gave birth to an Invention, which tho' it ſeem'd to be all in favour of the Laity, yet prov'd an immenſe Encreaſe of Wealth to the Churches. This was a Contract call'd *Precaria* (1); by which, whoever

(1) The *Precaria* were in uſe from the time of St. *Auguſtine*. Witneſs *Poſſidius* in his Life, *chap.* 24. and the Monk *Marculfus* in his *Formulæ*.

Add to this the Canon 18. *Concilii Epaonenſis*, held under *Childebert*, *anno* 517. Clerici quod etiam ſine Precatoriis qualibet diuturnitate temporis de Eccleſiæ remuneratione poſſederint cum authoritate glorioſiſſimi Principis noſtri, in jus proprietarium præſcriptione temporis non vocetur, dummodo pateat Eccleſiæ rem fuiſſe: Ne videantur Epiſcopi adminiſtrationis prolixæ, aut precatorias, cum ordinati ſunt, facere debuiſſe, aut diu tentas Eccleſiæ facultates proprietati ſuæ poſſe tranſcribere. *Vid. Can.* 1. *Concil. Agath. anno* 506. *Can.* 7, & 45. *Aurelian.* 1. *anno* 511. *Can.* 23. *Aurel.* 4. *Can.* 34. *Lugd.* 2. *Cap.* 5.

made

made a Gift of his Eſtate to the Church, had the Profits or Uſufruct return'd him again, and twice the Value beſides, during his Life. And to thoſe who would quit their Uſufruct alſo to the Church, ſhe gave three times (*a*) the Value in other Eſtates of the Church to enjoy in Exchange: And this Uſage paſs'd from hence into *Italy*.

For the preſent, this Contract turn'd manifeſtly to the advantage of thoſe who trebled their Income, and of ſuch as had no Children, or who were more concern'd for their preſent Advantage than for their Families: But in truth the Church was the Gainer, which after the Death of the Donor ſwept all.

From this time until the Year 963, during the ſpace of 80 Years, wherein *Italy* labour'd under the extremeſt Confuſions, as well in the Civil Government as Eccleſiaſtical, eſpecially in the Papacy (*b*), we muſt not expect to find any Traces or Form of good Government in the Church, but a meer Chaos

(*a*) This was order'd by the Canon 22. of the Council of *Meaux*, in 845. Precariæ autem à nemine de rebus Eccleſiaſticis fieri præſumantur, niſi quantum de qualitate convenienti datur ex proprio, duplum accipiatur ex rebus Eccleſiæ in ſuo tantum qui dederit nomine, ſi res proprias & Eccleſiaſticas uſufructuario tenere voluerit. Si autem res proprias ad præſens demiſerit, ex rebus Eccleſiaſticis tripulum fructuario uſu in ſuo tantum quis nomine ſumat.

This Council therefore, to whom *Frà. Paul* ſeems to attribute the Inſtitution of the *Precaria*, is not the Author of it; its Decree being only a Confirmation of an Uſage eſtabliſh'd long before. Where is to be obſerv'd, That at firſt theſe *Precaria* belong'd to none but Eccleſiaſticks, and that after Seculars were alſo admitted, and even before the reign of *Charlemaign*.

(*b*) *Platina* in the Life of *Formoſus* I. ſaith, That by a ſtrange Fatality the Sanctity of the Popes ended with the Spirit and Activity of the Emperors. And in the Life of *Benedict* IV. *he ſaith*, Acciderat huic ætati, ut hominum induſtria in quovis genere virtutis conſeneſceret, nullis calcaribus adhibitis, quibus hominum ingenia ad laudem excitarentur.

of

of Impieties, and a general Preparative and Forerunner of the miſerable Revolutions and Diſorders which follow'd.

Popes were then excommunicated by their Succeſſors, and their Acts caſſed and annull'd; not excepting the very Adminiſtration of the Sacraments (*c*). Six Popes were driven out and dethron'd by thoſe who aſpir'd to their places (*d*). Two Popes put to death (*e*), and Pope *Stephen* VIII. wounded

(*c*) Stephanus VI. (*ſaith* Platina *in his Life*) tanto odio perſecutus eſt Formoſi nomen, ut ſtatim ejus decreta abrogaverit, res geſtas reſciderit. ——— Arbitror hoc odium ex ambitione ortum fuiſſe, cum jam eo deveniſſent Eccleſiaſtici, ut non coacti, ut antea, ſed ſponte, & largitionibus Pontificium munus obirent ——— Res peſſimi exempli cum poſtea fere ſemper ſervata hæc conſuetudo ſit, ut acta priorum pontificum ſequentes aut infringerent aut omnino tollerent

Romanus I. did the ſame to *Steph.* VI. which *Stephen* had done to *Formoſus*. *Stephani Pont. decreta & acta ſtatim improbat, abrogatque*, ſaith *Platina* in his Life. And *Theodorus* II. authorized all the Acts of *Formoſus*, and favour'd his Adherents, ſaith the ſame *Platina*. John X. who ſucceeded *Theodorus*, confirm'd alſo the Acts of *Formoſus*, and condemn'd the Judgment of *Stephen* VI. declaring, that he had unjuſtly annulled the Ordinances made by *Formoſus*.

Habito 74 Epiſcoporum conventu (*at* Ravenna) & Stephani res geſtas improbavit, & Formoſi acta reſtituit, dijudicans perperam à Stephano factum qui cenſuit eos iterum ordinandos eſſe, quos Formoſus ad ſacros ordines aſciverat. (*Platina in vita*). And *Sergius* III. reſtor'd all thoſe whom *Formoſus* had degraded from the Prieſthood. (*Platina.*)

(*d*) *Leo* V. was dethron'd and impriſoned by *Chriſtopherus*, who had been his domeſtick Chaplain. *Chriſtopherus* was dethroned in the 7th Month and put into a Monaſtery, the ordinary Exile of Churchmen in thoſe Days. (*Platina.*)

(*e*) *John* II. (according to *Panvinius*, who doth not reckon the Papeſs *Joan* with *Platina*) *in vincula conjectus, cervicali in os conjecto, necatur.* (Platina in vita) I do not find in this Hiſtorian, nor in *Panvinius*, the other Pope whom *Fra. Paolo* mentions to have been kill'd.

in

in the Face, with ſo much Deformity, that he never after appear'd in Publick (*f*).

Theodora, a famous Courtizan, by the Intereſt and Faction ſhe had then in *Rome*, got her profeſs'd Lover choſen Pope, who was call'd *John* X. (*g*). And *John* XI. was choſen Pope at the Age of 20 Years, the Baſtard of another Pope (*h*), dead 18 Years before. And in ſhort, ſuch a Series of wild Diſorders gave occaſion to Hiſtorians to ſay, That *thoſe Times produc'd not Popes, but Monſters* (*i*).

Cardinal

(*f*) Stephanus VIII. ut Martinus refert, in ſeditione mutilatus, turpiter aliquandiu vitam duxit, cum ob inhoneſta vulnera (*probably the Noſe and Ears were cut off*) prodire in publicum erubeſceret. (*Platina in vita.*)

(*g*) This Hiſtory is related by *Luitprand*, *lib.* 1. *cap.* 13. *Onuphrius Panvinius* ſaith, that this Pope was not the Son of Pope *Sergius* III. as *Platina* tells us.

(*h*) *Viz.* of *Sergius* III. and of *Marezia*, Daughter of the Courtezan *Theodora*, who proſtituted her Daughters to the Popes.

Joannes II. (*ſaith* Panvinius) Sergii Papæ & Marociæ nobiliſſimæ inter Romanos feminæ (*ſhe was Widow of* Guy *Marquiſs of* Tuſcany) filius matris, quæ tunc in urbe potentiſſima erat, authoritate & ſtudio ſucceſſit —— poſt Leonem VI. & Stephanum 7. *Platina* calls him *John* XII. Joannis XII. patria Romanus, patre Sergio Pontifice, &c.

(*i*) Ubi cùm ipſis opibus, (*ſaith* Platina *in the Life of* Benedict IV.) Laſcivire cœpit Eccleſia Dei, verſis ejus cultoribus à ſeveritate ad Laſciviam, peperit nobis tanta licentia peccandi hæc Portenta, à quibus ambitione & largitione, ſanctiſſima Petri ſedes occupata eſt potius quam poſſeſſa. Baronius *calls theſe Popes*, ſedis Apoſtolicæ invaſores, non Apoſtolicos, ſed Apoſtaticos ad ann. 908.

Fra. Paolo makes a very judicious Reflection on the Diſorder of Elections in thoſe times. I have not found, (ſaith he in one of his Letters), Reaſons ſufficient to prove the Truth of the Hiſtory of Pope *Joan*, no more than I have met with any to convince me of the contrary. However, to ſpeak ſincerely, I incline to the Opinion of its being falſe, but not for its Abſurdity, that Age producing things as extraordinary as a Lady's being Papeſs.

The Perſecutions rais'd by many of the Popes againſt the Memory

Cardinal *Baronius*, being under ſome difficulty how to treat theſe Corruptions, ſaith, That in thoſe days the Church indeed was for the moſt part without a Pope, but not without a Head; its ſpiritual Head CHRIST being in Heaven, who never abandons it.

In effect it is certain, that CHRIST hath never yet forſook his Church; neither can his Divine Promiſe, which he hath made us, fail; That he will be with it even to the End of the World (*k*).

And on this occaſion it is the Duty of every Chriſtian to believe with *Baronius*, that the ſame Calamities which happen'd in the World at that time, have happen'd alſo at another: And, that as the Aſſiſtance of CHRIST alone preſerv'd the Church in thoſe Times, ſo hath he afforded that Shield of Defence to his Church, and will continue it to her in all the like Events and Accidents of this World. So that a Pope was not neceſſary to the Exiſtence of a Church, even tho' there ſhould never more have been a Pope (2).

A Man may eaſily make a Judgment to himſelf how the reſt of the Churches of *Italy* in thoſe times

Memory of their Predeceſſors, whoſe Acts they annull'd, and even in Councils, being things of no leſs conſequence. Beſides, where is the great Difference betwixt making a Woman Pope, and a Child of 11 Years of Age, ſuch as *Benedict* IX. was: Not to mention *John* XI. and XII. who were little older.

(*k*) Rogabo Patrem, & alium paracletum dabit vobis, ut maneat vobiſcum in æternum —— Non relinquam vos orphanos. *Joan.* 14. Et ecce ego vobiſcum ſum omnibus diebus, uſque ad conſummationem ſeculi. *Matt. ultimo.*

(2) Plane (*ſaith* Baronius ad ann. 908.) opus Dei eſſe Romanam Eccleſiam, quæ tot admotis facibus non potuerit ad interitum uſque conſumi, & ad nihilum redigi, facti evidentia declaravit. Stetit ſane, ſtabitque ſemper immobilis de fede Petri, ſententia ac promiſſio Chriſti, quod portæ Inferi non prævalebunt adverſus eam.

were

were treated, in considering the State of all the other Members of a Body, when the Head is distemper'd.

But the general State of the Church was then, in truth, every where else as deplorable. Princes gave Bishopricks to their Soldiers, and even to little Children. Count *Herebert*, Uncle to *Hugh Capet*, made his Son Archbishop of *Reims* (3); and Pope *John* X. confirm'd it.

In those days no Man went to *Rome*, through the mistaken Motives of Conscience or Devotion; but if he design'd to make bold with the Canons and Usage of the Church, and found not Interest enough in his own Country to support him in it, he presently had recourse to *Rome:* So it was not the Observers of the Laws of the Church, but the Breakers of them, whose business lay chiefly at that Court, where a Man's Faults were his Qualifications for all sorts of Dispensations; and where the Apostolick dispensing Power stood ready to give refuge and shelter to all the Purposes of Ambition and Avarice.

Popes of such Characters, as we have above describ'd, made no distinction betwixt any Actions, good or bad, that were in their power; nor were deterr'd

(3) Post obitum ipsius (*saith* Flodoard, *who was near his Contemporary*) Heribertus Comes Remis venit advocans Abbonem Episcopum Suessionicum, & Bovonem Catalaunicum, quibus sibi junctis, tractans super electione Rectoris hujus Remensis Ecclesiæ, tam Clericos quam Laicos ad voluntatem intendere fecit. Sequentes igitur ejus concilium, ne forte per extraneas personas Episcopatus divideretur, eligunt filium ejus nomine Hugonem, qui nec adhuc quinquennii tempus expleſſet. *Lib.* 4. *Hist. Remensis, cap.* 20.

Quod in tanta Ecclesia (*saith* Baronius) male fuit à malo Principe (*John* 10.) usurpatum in exemplum citò transiit aliorum, ut complures hujus seculi Principes sibi sanguine conjunctos adolescentulos in summas Cathedras curaverint promovendos ad ann. 925.

by

by the Wickedneſs of them; conſidering every Opportunity of engaging great Men in their Intereſts, as an Encreaſe of their own Power: And theſe finding their Intereſt in maintaining vigorouſly what they had obtain'd, and the People, either through Simplicity or Fear, being aw'd into an Approbation of what they could not hinder; from hence grew the Opinion, That an Approbation from the Court of *Rome* repair'd and cancell'd all Errors.

CHAP. XX.

IT had been reaſonable to imagine, that the little care the Clergy ſhew'd of ſpiritual Affairs, would have cool'd the Zeal of ſecular Men in their Bounties to the Churches, and conſequently have put an end to the Growth of their Wealth: But it took another turn, for with a ſupine Neglect of Spirituals, the Spirit of defending their Temporals ſeem'd to riſe in proportion.

The new Expedient they had found (for before it was not in uſe on theſe Occaſions) of turning the ſpiritual Arms of Excommunication to the vindicating all their diſputed Rights about their Temporals, and recovering ſuch as had been loſt by the Negligence of their Predeceſſors; was a Weapon they manag'd with ſuch ſucceſs, that nothing ever became more terrible to the People, than thoſe Cenſures, which at firſt had only been employ'd in the Chaſtiſement of Sinners: And it was aſtoniſhing, to ſee numbers of Officers and common Soldiers, guilty of ſo many Rapines, and withheld by no Remorſe from the moſt flagitious Crimes, ſhould be ſeiz'd in an inſtant with a Reſpect towards the Church, which look'd like a Charm, and guarded it againſt Sacri-

lege, on the bare Apprehenſions of its Cenſures. Hence it came, that many People of ſmall Conſideration and Fortunes, to skreen themſelves from the Violence of that Power, found it the eaſieſt way to make a Deed of Gift of their Eſtates to the Church, and make themſelves her Subjects; on condition that the Donor ſhould be reinveſted with it as a Fief, reſerving a ſmall Acknowledgment.

Thus the Church's Title became a Safe-guard to thoſe who were too weak to defend their Eſtates from the Great Men any other way; which the moſt Powerful dar'd not to touch, when once they became Signories of the Church. And whenever the Male Line of theſe Feudatories came to fail, which was a common Accident, where Wars and popular Seditions were ſo frequent, the Succeſſion of courſe fell to the Church.

CHAP. XXI.

QUESTION I.

HAving hitherto conſider'd the Methods, whereby the Church acquir'd her real Eſtates; and on what Foundation the decimating the Eſtates of the Laity came to be an eſtabliſh'd Right in the Church; it will here be requiſite, before we proceed farther, to reſolve a Queſtion controverted in our days, Whether the Eſtates of the Church be held by a Divine or Human Right, and to whom of right they belong?

The receiv'd Opinion diſtinguiſhes betwixt the Church's Title to Goods, which come by Will or Donation,

Donation, and that which ſhe hath to Tenths, Firſt-fruits, and other Offerings.

As to real Eſtates, it is agreed by all, that where-ever they are found, they ought to be call'd temporal Goods, and that the Church enjoys them by human Right; ſeeing it is certain, and as we have already ſhewn, that after all Communities and Aggregate Bodies had been prohibited from acquiring immoveable Eſtates, the Church, firſt by Permiſſion, and then by Conceſſion from the Emperors, obtain'd that Power.

Agreeable to this is the Canon, *Quo Jure, Diſt. 8.* wherein it is declar'd to be only by virtue of human Laws, that it is ſaid, This Inheritance is mine, or this Servant belongs to me; and that without which, neither Church, nor any Perſon whatſoever can be ſaid to have a Property in any thing *(a)*.

It cannot be doubted, but that the Diviſion of Eſtates derives its Authority from the Civil Law, or that the various Ways of transferring them from one Poſſeſſor to another, by Will, Donation, and all manner of Contracts, are of human Inſtitution.

There have been Examples of Kingdoms and Republicks in the World, to whom Wills and Teſtaments were things unknown: The *Roman* Law allows the Privilege of making them only to *Roman* Citizens: And it is not conceivable, that the Means of acquiring a Thing ſhould be of human Right, and the Enjoyment and Poſſeſſion of it ſhould be of divine Right.

Whenever the Title to any Gift or Bequeſt to the Church, happens to be conteſted, it is decided by

(*a*) Jure humano dicitur, hæc villa mea eſt, hæc domus mea, hic ſervus meus eſt. Jura autem humana, jura Imperatorum ſunt — Tolle jura Imperatorum & quis audet dicere, mea eſt illa villa, aut meus eſt ille ſervus, aut domus hæc mea eſt?

human Laws; and if it be adjudg'd in favour of the Church, it is by Authority of the Law ſhe muſt be ſecur'd in the Poſſeſſion.

But to inſiſt no longer upon a Point, which ſeems to be generally given up, we will leave it, with only this inference, which may very clearly be made upon the whole Queſtion, That whether the Exemptions which the Church-Eſtates enjoy, are owing to a Divine or Human Right, yet ſeeing both the Poſſeſſion, and the means of obtaining it, proceed both from the ſame Law; and that the Lawyers ſay, that Tenures of Servitude, or Freedom and Dominion, all derive their Right from the ſame Law: it would be a manifeſt Contradiction to ſay, That the Church might hold an Eſtate, for example, *Jure Veneto*, by the Law of *Venice*; and yet that Eſtate ſhould claim to be free and independent by another Right.

As to the Queſtion concerning Tythes, there are two Opinions, one of the Canoniſts ſingly, the other of Divines and Canoniſts, who ſtudy the holy Scripture, and the Canons together.

The Canoniſts ſay, That Tythes are of Divine Right *; becauſe in the old Teſtament GOD gave them to the *Levites* (*b*): And we have no reaſon to be ſurpriz'd at their manner of reaſoning, who are ſo little converſant in reading the Scriptures; neither is the Study of the Myſteries of the Chriſtian Religion any part of their Profeſſion.

* *Covarruvias* is not of this Opinion. *Vide chap.* 18. *lib.* 1. of his *variarum Reſolut.*

(*b*) Filiis Levi dedi omnes decimas Iſraelis in poſſeſſionem pro miniſterio, quo ſerviunt mihi in tabernaculo fœderis—— Decimarum oblatione contenti, quas in uſus eorum & neceſſaria ſperavi. *Num.* 18.

De filiis Levi ſacerdotium accipientes (*ſaith St.* Paul) mandatum habent decimas ſumere à populo ſecund. legem. *Heb.* 7.

GOD,

GOD, by the Miniſtry of *Moſes*, gave to the *Jewiſh* Nation a Law, which both in the Ceremonial and Judicial Part was deſign'd to be the Municipal Law of that Nation, until the coming of JESUS CHRIST, who was to abrogate and annul all its Force (*c*). So that in truth the Law of Tythes is a Divine Moſaical Law, binding only to the *Jewiſh* People at that time, but not a Divine-Natural Law, nor Chriſtian, and conſequently binding to no Man now.

The Legiſlature of any Government may enact the ſame Laws with thoſe of *Moſes* but they cannot be ſaid to be as binding, nor to carry the ſame Authority, nor can they be call'd Divine, but meerly civil Political Laws of the Prince who conſtituted them.

There was a Divine Moſaical Law, that a Blaſphemer ſhould be kill'd; but this obligeth no more now, neither doth he ſin, who puts it not in execution. The Prince may make a Law to puniſh Blaſphemy with Death, and it would be a juſt Law, and what deſerves to be ſtrictly obſerv'd; but this would not make it a Divine Law, tho' GOD gave it heretofore to the *Jews* (*d*).

In theſe and many other caſes, where the Canoniſts fly to the old Teſtament, to defend the intereſts they have in aſſerting the Divine Right, we muſt take care to point out the Sophiſtry, and to

(*c*) Tranſlato ſacerdotio, neceſſe eſt, ut & legis tranſlatio fiat— Reprobatio fit præcedentis mandati propter infirmitatem ejus & inutilitatem, *Heb.* 7.

(*d*) Dominus locutus eſt ad Moyſen, dicens, Educ Blaſphemum extra caſtra, & ponant omnes qui audierunt, manus ſuas ſuper caput ejus, & lapidet eum populus univerſus. Et ad filios Iſrael loquens: Homo qui blaſphemaverit nomen Domini morte moriatur, lapidibus opprimet eum omnis multitudo. *Levit.* 24.

make the proper Distinction in our Answer, which is, That whatever is of Natural or Christian Divine Right, is binding to us; but not that which is of Mosaical Divine Right: so that if a Prince or Government should make a Law exactly the same with that of *Moses*, it will however be only of human Right.

I cannot here forbear doing that Justice to the Understandings of these Doctors, as to affirm, That there is much more of Artifice than Ignorance in what they say on this Subject, to gain Credit with weak and unwary People, and to give a Sanction to their Pretensions of the strongest Title in the World, which is, the *Divine Right*. But here they seem to me, to stand convicted, and to be left without Reply. For in the same Text of Scripture, where GOD commands the Tenth to be given to the *Levites*, he also commands, That they shall not possess any Land or real Estates; and that they shall content themselves with the Tythes only (*e*). If therefore the People be oblig'd by this Command to pay Tythes, the *Levites* are under the same Obligation to take no Possessions of Inheritance.

We find also in the same place, That GOD granted them only the Tenths of the Fruits of the Earth (*f*), and nevertheless the Canon-Laws ordain the Payment of Tythes also out of all

(*e*) Dixit Dominus Aaron; In terra eorum nihil possidebitis, nec habebitis partem inter eos. *And a little after it is said.* Nihil aliud possidebunt decimarum oblatione contenti. *Num.* 18.

Non habebunt sacerdotes, & Levitæ partem & hæreditatem cum reliquo Israel, quia sacrificia Domini, & oblationes ejus comedent, & nil aliud accipient de possessione fratrum suorum. *Deut.* 18.

(*f*) Omnem Medullam olei, & vini, ac frumenti tibi dedi, *saith GOD to* Aaron, universa frugum initia, quas gignit humus, & Domino deportantur, cedent in usus tuos.

Merchan-

Merchandize, out of the Soldiers Pay, out of Hunting and the Sports of the Field, and out of every thing gain'd by any kind of Labour and Induſtry whatſoever.

If GOD have oblig'd the *Jews* to the Payment of no more than Predial Tythes, then it muſt be granted, that Perſonal Tythes are only a human Law.

All the Divines, to a Man, and with them many of the Canoniſts, agree it to be a Precept of the Divine Natural Law, that he who adminiſters at the Altar ſhould live by his Miniſtry (*g*). As it is an expreſs Command of JESUS CHRIST in the Goſpel, that the Miniſter, who preacheth the Word of GOD to the People (*h*), ſhould be maintain'd by his Miniſtry. But the Proportion of the Allowance is not determin'd, but varied according to the Number of Perſons, who ſhare it, and the Circumſtances of Time and Place, which make that too much at one time, which would be too little at another. Therefore the Miniſters of CHRIST have a Divine Right to a Part, but whether it be a Tenth or a Twentieth Part, more or leſs, is determined by human Laws, or by Cuſtom, which is many times as powerful.

And where it is ſaid in ſome of the Decretals, That Tythes were inſtituted by GOD himſelf, or that the Payment of them is of Divine Right; in that ſenſe a certain Part is taken for an uncertain,

(*g*) Filiis Levi, *ſaith GOD*, dedi omnes decimas pro Miniſterio, quo ſerviunt mihi in tabernaclo fœderis. *Num.* 18.

(*h*) Dominus ordinavit iis, qui Evangelium annunciant, de Evangelio vivere, 1 *Cor.* 9. Si nos vobis ſpiritualia ſeminavimus, magnum eſt ſi nos carnalia veſtra metamus? *ibid.* Qui bene præſunt Presbyteri, duplici honore digni habeantur, maxime qui laborant in verbo & doctrina——Dignus eſt operarius mercede ſua, 1 *Tim.* 5.

and so by the Tenth is understood such a Part as is reasonable and necessary: And as GOD hath instituted Tythes in the Old Testament, human Laws have, by that Example, instituted them in the New. So that we may make this general Conclusion, That all Ecclesiastical Estates, of what kind soever, are in his power, who is the Patron, and possess'd by virtue of human Laws.

Nor let any Man object, that this undetermin'd part is due by the Divine, Natural, and Evangelick Law. For there is a great difference, as the Lawyers well observe, betwixt a thing that is due, a Debt, which may be satisfy'd by Payment of the Value; and that of which a Man hath the Demesne or Fief, as chief Lord. This last, say they, may be justly demanded, [*actione rei vindicationis*] nothing but the same individual Thing can make satisfaction, and nothing in lieu of it can be deem'd an Equivalent: whereas the Creditor can only prosecute his Debt by personal Action, the Debtor being oblig'd to pay the Value of the Debt only; but not in this or that individual Thing, or in any particular Species.

By the Resolution of this Question, it is easy to determine, whether Benefices be *Jure divino*, or *Jure positivo:* For if real Estates and Tithes be of human Institution, it is necessary that the Benefices consisting of these be held by the same Title. And to sum up all, if the real Estates of the Church remain'd in common for so many Years, and not divided into Benefices and Cures, as is already declar'd; it is then undeniable that Benefices are of human Institution. But as the World is too well agreed in this, to require any farther enlarging on this Argument, I shall only add, that tho' these Considerations may appear too subtle, and too refin'd, the Sequel of this Discourse will convince the Reader, they are no more than necessary.

QUES-

QUESTION II.

THE Deciſion of the firſt Queſtion opens the Way to the ſecond Inquiry, Who is the Owner of the Eccleſiaſtical Eſtates? By which I intend only real Eſtates, reſerving to ſpeak of the Fruits and Revenues in the fourth Queſtion (1). For if they be poſſeſs'd by virtue of human Laws, we have only to find to whom the Laws have granted them. Some will ſay they are GOD's, and who can doubt it, *the Earth and all that is contain'd therein is the LORD's* (*a*). But in this ſenſe the Goods of the Church are no more GOD Almighty's, than every thing elſe in the world.

The Dominion of GOD is univerſal, but a Sovereign Prince hath another Dominion, which, according to *Seneca*, may be call'd the Dominion of Power (*b*); or according to the Lawyers the Dominion of Protection and Juriſdiction (*c*). Every private Man alſo hath his Dominion, which is that of Property, and the Subject of our preſent Inquiry.

Now it cannot be ſaid, That GOD, beſides his univerſal Dominion over all Things, hath alſo the Property of all Eccleſiaſtical Goods, in the ſame manner as a King hath an univerſal Dominion throughout his Kingdom; and yet hath a private

(1) Which is towards the end of this Treatiſe. See *Queſt.* 4.

(*a*) Ad Deum excellum, poſſeſſorem cœli & terræ, *Gen.* 14. Domini eſt terra & plenitudo ejus, orbis terrarum, & univerſi qui habitant in eo, *Pſalm.* 23.

(*b*) Ad Reges poteſtas omnium pertinet, ad ſingulos proprietas, *Senec.* 7. *Benef. cap.* 4. Cujus eſt (*ſaith* Pliny *the younger*) quicquid eſt omnium, tantum ipſe, quantum omnes habent. *Paneg.*

(*c*) Ditionis, non proprietatis, tuitionis non deſtructionis. Omnia regitis (*ſaith one* Simmacus, *addreſſing himſelf to Princes*) ſed ſuum cuique ſervatis. X. *Epiſt.* 54.

Property

Propriety in the Eſtate of his own Family. For the univerſal Dominion of a Prince may be increas'd by the addition of his private Property; but the Dominion of GOD hath an Univerſality, excellent and infinite, incapable of any addition, or of being particulariz'd, neither can it poſſibly be communicated to any Creature. Thus GOD, being LORD of all theſe Goods, no Man can aſſume to himſelf, and ſay, *I who have the ſame Tribunal, the ſame Conſiſtory, the ſame Juriſdiction with GOD, am alſo Lord*; for whatever Dominion any Man may have in them, he is no leſs a Servant than the leaſt of Mankind.

But there are others, who treat this matter with more freedom, and ſay, That the Pope is the Lord and Proprietor; and prove it by the Decretal of *Clement* IV. which declareth, that the Diſpoſition of all Benefices belong intirely to him (*d*).

St. *Thomas* refutes this Opinion in ſaying, That the Pope may indeed be call'd the principal Diſpenſer of all Benefices, but in no ſort either the Lord, Owner, or Poſſeſſor of them (*e*).

Cardinal *Cajetan* adds for an Explication of this matter, That the Pope can neither give, nor, in any other manner whatſoever, diſpoſe the Goods of the Church, than as right Reaſon ſhall direct, and without exceeding the Truſt of Diſpoſition repos'd

(*d*) Licet Eccleſiarum, Perſonatuum, dignitatum, aliorumque beneficiorum Eccleſiaſticorum plenaria diſpoſitio ad Romanum noſcatur Pontificem pertinere, *&c. Sexti lib.* 3. *tit. de præbendis, cap.* 2.

(*e*) Quamvis res Eccleſiæ ſint ejus, ut principalis diſpenſatoris, non tamen ſunt ejus, ut domini & poſſeſſoris. *2da. 2da. Queſt.* 100. *art.* 1. *reſp. ad object.* 7.

in

in him (*f*). And the reaſon he gives is very clear and convincing: Theſe Goods, ſaith he, at firſt belong'd to ſome one, who hath transferr'd his Right by Will or Donation: Now, it never was in any man's intention to make ſuch a Preſent to the Pope (*g*): And therefore the Property can never have been paſs'd to him.

And it is for this reaſon, that the ſame Cardinal, and Pope *Hadrian* VI. agree, That the Propriety of all Goods belong to the Church; that is, to the whole Community of the Faithful in that place, to whom they were left: So that the Propriety of the Goods in the *Roman* Church, belongs really to the whole Body of the *Roman* People.

(*f*) Papa non eſt Dominus, ſed Diſpenſator principalis pecuniæ Eccleſiaſticæ, ac per hoc pecunia Eccleſiæ non eſt ſua abſolutè, ut poſſit ad libitum de ea diſponere. *(And then he adds)* Cum poteſtas Papæ, quoad res temporales Eccleſiæ ſit poteſtas, non Domini, ſed Diſpenſatoris, conſequens eſt, ut plenitudo poteſtatis papalis, circa bona Eccleſiæ temporalia, non exeat limites poteſtatis diſpenſativæ----- Ac per hoc non poteſt Papa ad libitum donare res Eccleſiæ, ſed poteſt tanquam habens apicem diſpenſatricis poteſtatis, multo plus de iiſdem diſpenſare, quam quicunque alius proximus alicujus Eccleſiæ prælatus---Ex eodem fundamento, quod Papa non eſt Dominus, ſed Diſpenſator, ſequitur quod de plenitudine poteſtatis non poſſit ad libitum dare bona Eccleſiæ cui voluerit; ſed tenetur diſpenſare, ut recta ratio ſuadet. *In Comment. ad* 2. 2. *Queſt.* 100. *art.* 1.

(*g*) Nec Papa, nec aliquis Prælatus, eſt Dominus rerum Eccleſiæ, Eccleſia ipſa eſt Domina; quia Donatores non donant, & transferunt jura ſua in Papam, aut Prælatum, ſed in Eccleſiam Romanam, vel talem. (it is moſt certain, that Princes would never have given ſo many Lands and Revenues to the Church, if they had foreſeen, that the Popes would have become the Maſters of them themſelves, and have turn'd the Profits of them, one day, to the making War againſt the Donors.) Nec putes, *adds* Cajetan, propterea quod Papa habet plenitudinem poteſtatis Eccleſiaſticæ, ob hoc poſſit de bonis Eccleſiæ diſponere, ſicut poteſt Eccleſia: quoniam plenitudo poteſtatis Eccleſiaſticæ intelligitur in ſpiritualibus tantum. *Comment. 2dæ. 2dæ. ad art.* 8. *Quæſt.* 43.

Every

Every one knows, that a Community or Society is as capable in Law of poſſeſſing an Eſtate, as any private Perſon: It is in that ſenſe ſaid, that ſuch a thing belongs to ſuch a City; that is, to no particular Perſon, but to the whole People together: And it is the ordinary Stile of Wills to ſay, I leave to the School of St. *Roch* (1), to the Convent of the *Cordeliers* (2), *&c.* And of this, the ancient Uſage of the Church, and the Stile in which the Canons run, are a plain Confirmation.

It is not to be doubted, but that theſe Eſtates being to go under ſomebody's name, are very properly aſcrib'd to him who is the Proprietor: So all the Canons, and ancient Uſage of the Church having always called that which belongs to the Churchmen, the Eſtates of the Church; ſhe is therefore the Proprietor. And this agreeth with thoſe who ſay, theſe Eſtates are JESUS CHRIST's: for all Chriſtian Churches, from very ancient times, have taken their Denominations not only from the Name of ſome City, but from their firſt, or moſt famous and eminent Biſhop: So the *Roman* Church is call'd St. *Peter's*, the Church of *Alexandria* St. *Mark*'s, that of *Ravenna* the Church of St. *Apollinarius*. From hence the Eſtates of theſe Churches have follow'd the ſame Faſhion, and taken alſo the Name of theſe Saints; and the Eſtates particularly belonging to the *Roman* Church are call'd St. *Peter*'s: Which gave occaſion to that way of ſpeaking among the ancient Writers, The Patrimony of St. *Peter*, the Lands of St. *Peter*; the Patrimony of St. *Apollinarius*, *&c.*

(1) The Fraternity of Painters in *Venice*.

(2) The Author calls them *de Fratii*, which is the Name of the great Convent of *Cordeliers* in *Venice*.

And

And becauſe CHRIST is the univerſal Head, and Protector of all Churches, all that belongs to the Church in general, or to any particular one, is call'd the Patrimony of JESUS CHRIST; which is the ſame thing as to ſay, the Patrimony of the Church whereof CHRIST is the Head: And in the ſame ſenſe the Eſtates of the Republick of *Venice* are call'd St. *Mark*'s, from a Republick which bears the Name of that Saint.

In truth all the Acquiſitions of the Church, when her Eſtates lay in common in every Dioceſs, belong'd properly to the Univerſal Church, to whom all Donations and Legacies were made. It is certain, they could only be acquir'd by thoſe, whom the Laws made capable of taking them. The Laws of *Conſtantine* granted this Privilege to Chriſtian Communities or Societies; that is, to all the Body of Chriſtians inhabiting in the Cities to which they were granted. The Dominion or Propriety therefore of theſe Eſtates is in theſe Communities.

But after Diviſions came to be made, and Benefices to be inſtituted, then follow'd Legacies and Donations to particular Churches, and frequently to ſome particular uſe of Piety. So that there is no determining who is the Owner, Proprietor, or Patron of theſe Eſtates, and where the Right lies, without ſeeing the particular Diſpoſitions of the Wills and Donors.

To end this Argument upon the fulleſt Examination, it muſt be concluded, that the Prelates, and the other Eccleſiaſticks, are the Guardians, Adminiſtrators, and Diſpoſers of the Eſtates of the Church, to purſue and execute the intention of the Donor or Teſtator, and to no other purpoſe whatſoever: And that the Proprietor or Patron of them is the Perſon, or Community, to whom they have been ſo given or bequeath'd.

And

And therefore all Governors of the Church ought with conſcientious Care to review and ponder the Conditions of theſe Endowments; for the Neglect of which, nothing but human Frailty can be pleaded. Nor ought any Man to imagine, that Preſcription or long Uſage can have any force here, ſeeing no Man can pretend to any Benefit from Preſcription, where Integrity and good Conſcience is wanting. And how can any Claim be laid to theſe, where every Man knows, and is conſcious, that theſe Eſtates have not been bequeath'd by the Donors, to be employ'd as we frequently find them?

QUESTION III.

BUT who ſhall be the Proprietor of thoſe Eccleſiaſticks Eſtates, whoſe Inſtitution is not known? By the Natural and Civil Law, an Eſtate falls to the Community or Publick, when particular Owners fail; and by conſequence, in this Caſe, it will fall to the Church: which, in ſhort, is no more than to ſay, That the Beneficiaries are the Diſpenſers of the Eſtates of their Benefices, that the Proprietor is he to whoſe Favour the Donation or Will is made; and if he be not known, the Right reſts in the Church.

It is no Anſwer to ſay, that there are Laws both Civil and Eccleſiaſtical, which forbid the Alienation of theſe Eſtates; for the Minor or Pupil is the true Proprietor of his Eſtate, and yet hath no Power to alienate. The Propriety or Dominion of a thing, in its largeſt Extent, is a Right of doing whatever a Man pleaſes with his own, as far as the Law allows; which lays a Reſtraint on ſome ſort of Proprietors, who need direction; of which Communities and Societies of People are one.

We

We are not to wonder, if in Queſtions of this nature, in which the Pope is determin'd to be the abſolute Proprietor of all Benefices and Eſtates, belonging to the Church, there ſhould be ſo many modern Writers, ready to maintain Opinions ſo contrary to thoſe of Antiquity, and to the Cuſtoms and Inſtitutions, which draw their Original from the Apoſtles themſelves, and other Apoſtolical Men. For whereas St. *Cyprian* very ſenſibly complains, as of one of our human Imperfections, that intereſted Men ſet themſelves to adapt their Doctrine to the depraved Manners and Cuſtoms of the Age; when, on the contrary, theſe ought to be regulated by good Doctrine and good Laws.

To which this Obſervation may be added, That in the courſe of ſo many Ages, there never were any Novelties introduc'd, even in Religion, which have not inſtantly found their Defenders. And therefore it is no wonder, if this happen, where new Cuſtoms and new Methods are introduc'd, contriv'd and made ſubſervient only to the Ends of acquiring Riches, and even to authorize the Purſuit of worldly Intereſts, to which human Nature is ſo addicted.

CHAP. XXII.

THE extream Diſorders and Confuſion, which the great Variety and Changes of ſo many Kings and Emperors in thoſe Times brought upon *Italy* in the civil Government, affected no leſs the Eccleſiaſtical Affairs: The Biſhops and Abbots being ſometimes made by the Princes, ſometimes intruding themſelves by their own Authority; the other Miniſters of the Church being alſo made, either

ther by thoſe who govern'd the Cities, or by the Biſhops; and ſometimes again by thoſe, who had the Power in their Hands, or the Favour of the People, poſſeſſing themſelves of the Benefices.

In the Year 963, *Otho* of *Saxony* * enter'd *Italy*, and ſubdu'd it by Arms; and in order to ſettle ſome Form of Government there, he aſſembl'd a little Council of Biſhops, wherein he depos'd Pope *John* XII. tho' he was of an illuſtrious Family, and had great Intereſt and Dependencies in *Rome:* But he had been made Pope at 18 Years of Age, and had diſhonour'd the Pontificate by Adulteries, Perjuries, and the reſt of his Behaviour, little ſuitable to his Character (*a*).

Otho oblig'd the *Roman* People, and Pope *Leo* VIII. who had been put in the place of Pope *John*, to give up to the Emperors the Pretenſions to the Right of Electing the Popes (*b*), and the other Biſhops in *Italy*. For 36 Years, until the Year 1001, this Prince, his Son, and his Grandſon, of the ſame Name, preſerv'd this Right in themſelves: And of 12 Popes, which were within that ſpace, two were

* This was *Otho* the Grand-ſon of the Emperor, ſurnam'd the *Fowler*.

(*a*) Joannes XIII. (Platina *calls him not the* XII.) Patris Alberici potentia fretus, Pontificatum occupat, homo ſane omnibus probris & turpitudine contaminatus, venationibus magis, ſiquid temporis à Libidinibus ſupererat, quam orationi deditus. *And ſome Lines after*, Pontificium munus humeris ſuis nequaquam conveniens ſibi deſumit.---Otho, compoſito aliquantum ſtatu Civitatis Concilium indicit, convocatis Epiſcopis Italiæ, quorum judicio vita ſceleratiſſimi hominis dijudicaretur.

(*b*) Cives vero (*ſaith* Luitprand, *chap.* 6. *towards the end*) ſanctum Imperatorem cum ſuis omnibus in urbem ſuſcipiunt, fidelitatemque promittunt, hæc addentes, & firmiter jurantes, nunquam ſe Papam electuros aut ordinaturos præter conſenſum, ac electionen Domini Imperatoris Othonis Cæſaris Auguſti, filii ipſius Regis Othonis. *Vide cap.* 11.

made

made by the Prince peaceably, and without oppoſition, the other not without Tumults and Diſorders: which occaſion'd one Pope to be carry'd Priſoner into *Germany* by *Otho* I. (2), and another by *Otho* II. (3). There was alſo another Pope who was ſtrangled by one who aſpir'd to his Dignity: Another robb'd the Treaſury of St. *Peter*, and fled (*c*): Another went into voluntary Baniſhment (*d*). So that conſidering we meet with ſeveral Popes in thoſe days, who, as *Baronius* obſerves, are plac'd in the Catalogue only to make up the Number (*e*), the Church had then in effect no other Head but JESUS CHRIST himſelf.

(2) Benedict V. *elected ſeditiouſly by the Faction and Kindred of* John XII. Cum Imperator (*ſaith* Platina) hanc electionem nequaquam probaret & Romanos compulit, pulſo Benedicto, vel dedito potius Leonem ſuſcipere —— Otho in Germaniam rediens ſecum Benedictum ipſum duxit, qui non multo poſt dolore animi apud Hamburgum moritur, ubi relegatus erat. *Vide Luitprand, cap.* 11.

(3) Benedictus VI. *or rather according to* Panvinius, *the Vth, ſeeing he who went by this Name, and was choſen by the Faction of* John XIII. *was Antipope, as having been choſen in the Life-time of* Leo VIII. *which* Leo *had been lawfully choſen.* Benedictus VI. (*ſaith* Platina) a Cintio Rom. cive præpotenti captus, in ſancti Angeli arcem includitur, eodemque in loco non multo poſt ſtrangulatur.

(*c*) Bonifacius VII. (*ſaith* Platina *in his Life*) relinquere urbem coactus, precioſiſſima quæque è Baſilica Petri ſubtrahens, Conſtantinopolim confugit, ubi tamdiu conſtitit, quoad divenditis, quæ ſacrilegio abſtulerat, magnam vim pecuniarum comparaſſet —— Pontifex Rom. ſacrorum Pater & Rex, ſacra ipſa furto abſtulit; & qui vindicare ſacrilegia debuerat, tanti ſacrilegii factus eſt author.

(*d*) Joannes XVII. (*which ought to be* John XVI.) agitatus ſeditionibus a Creſcentio Conſule Romano imperium urbis ſibi vindicare conante, cupiditate hominis cedens, exulatum in Hetruriam abiit. *Platina in vita.*

(*e*) Qui non ſint, niſi ad conſignanda tantum tempora in Catalogo Romanorum Pontificum. *Scripti ad annum* 912.

But the other Bishops and the Abbots were made by the Emperors (*f*), without any Contradiction. And therefore upon the Death of a Bishop, his Staff and Ring were carried to the Emperor (*g*), who gave them as the Ceremony of Investiture, to the Person on whom he conferr'd the Benefice. And the new Bishop being consecrated by his Metropolitan, or by the neighbouring Bishops, went to take Possession: This is a method yet observ'd in *France* and *Germany*. But other lesser Benefices were dispos'd by the Bishops or Abbots, on whom they depended; except when the Prince nam'd one to a vacant Benefice, and then it was never disputed: Or when he thought fit to recommend one to be provided for, when a Benefice should fall, which Expectative or Reversion was sure to be made good by the Bishop at the next Vacancy.

In this Method the three *Otho's* govern'd the Affairs of the Church, and without any Controul from the Popes; tho' *Otho* II. had resided a

(*f*) It was not that Elections were abolish'd, but only made null without Investiture from the Emperor. As *Hugh de Flavigny* observes, speaking of *Anselm de Lucca*, and of another Bishop.

Cum ergo, *saith he*, præstolarentur diem consecrationis suæ, venerunt nuncii Regis Henrici Romam, rogantes, ut contra morem Prædecessorum suorum Dominus Papa (*this was* Gregory VII.) eos consecrare vellet, qui Episcopatus electionem solam, non autem donum per regiam acceperant investituram. *In Chronico Verdunensi, pag.* 196.

(*g*) Rex autem uti volens authoritate, & consuetudine, & autoralibus Privilegiis Imperatorum, qui a Carolo magno per trecentos & eo amplius annos imperaverant sub 63. Apostolicis, dabat licite Episcopatus, & Abbatias, & per annulum & per virgam. *Sigebertus in Chronico, ann.* 4. *Vide Crantz Vandal. lib.* 6. *cap.* 25. *Gronem. ep.* 8. *ad Richer. Senonensem Willielmum Tyrium de bello sacro, lib.* 1. *cap.* 13. *& Goffrid. Vindocinensem. tractatu* 2. *pag.* 278.

long

long time at *Rome*, where, he alſo died and was buried (*b*).

The Princes ſucceeding the *Otho's* preſerv'd the Right of conferring Biſhopricks and Abbies, and even of Nomination to the other leſſer Benefices, and of granting Reverſions or Expectatives of Benefices before they were vacant: Until the Imperial Authority coming to diminiſh in *Rome*, the Church relaps'd into the former Diſorders. For tho' the People, after having reſum'd the Election of the Pope, elected three Popes very peaceably, there broke out ſome Sparks of Sedition and Tumult about the Election of *Benedict* VIII. (4), and *John* XX. (5), who were Brothers, and immediately ſucceeded one another; and after, in that Election of *Benedict* IX. their Nephew, who was choſen at 12 Years of Age, and who, among many other Enormities, made ſale of a part of the Popedom to one *Silveſter* III. and another part to *Gregory* VI. (*i*). And all theſe three fill'd their Chairs in *Rome* at the ſame time, with ſo much more Scandal and Diſorder, as this *Gregory* made uſe of Arms to maintain his Purchaſe (*k*); poſſeſſing himſelf of the Church of St. *Peter*, with a Body of Horſe and Foot, not without much Slaughter. This brought the Emperor, *Henry* the

(*b*) Romæ moritur, & in veſtibulo B. Petri (Paradiſum vocant) labro porphyretico, quod adhuc introeuntibus ad lævam apparet honorificentiſſime ſepelitur. *Platina* in the Life of *Benedict*. 7.

(4) The VII according to *Onuphrius*.

(5) The XII. according to *Onuphrius* in *Chron. Pont. Rom.*

(*i*) Benedictus *(ſaith* Platina *in his Life)* Joanni Archipresbytero S. Joannis ad portam Latinam, qui poſtea Gregorius VI. appellatus eſt, Pontificium munus, ut quidam affirmant, vendidit. *And ſome Lines after,* Cum annis decem per interualla ſedem Petri occupaſſet, tandem moritur. Nec vacaſſe tum ſedes dici poteſt, cum Pontificatum vendiderit.

(*k*) Vide Ochon. Friſing. ad annum 1040. lib. 6. cap. 32.

Black, into *Italy*, who put *Benedict* to flight, ſent *Silveſter* away, and baniſh'd *Gregory* into *Germany* (*l*), and depriv'd the *Roman* People again of the Power of Election (*m*).

After which he made three Popes ſucceſſively, all *Germans*, who, without other Ceremony, took the Pontifical Habit and Ornaments. The third of theſe, who was *Bruno*, Biſhop of *Toul*, having, by virtue of the Emperor's Nomination, taken the Habit of Pope at

(*l*) Has ob res (*ſaith* Platina *in the Life of* Gregory VI.) Henricus II. (*by the Account of the* German *Writers, it is* Henry III. *otherwiſe call'd* Henry *the Black*) in Italiam cum magno exercitu veniens, habita ſynodo, cum Benedictum IX. Silveſtrum III. Gregorium VI. tanquam tria teterrima monſtra, abdicare ſe magiſtratu coegiſſet, Suideregum, Bambergenſem Epiſcopum, cui Clementi XI. appellatio fuit, Pontificem creat.

As for *Gregory* VI. *Onuphrius* reckons him a legitimate Pope, affirming he was not elected till after *Benedict* VIII. *Silveſter* III. and another nam'd *John*, whom *Benedict* had taken for his Collegue, after having driven out *Silveſter* III. had abdicated the Popedom.

Quibus, *ſaith he*, proborum hominum precibus ſacerdotium & ſuorum juri cedentibus, quartus ſuffectus eſt Joannes Gratianus, Archi-presbyter S. Joannis ante portam Latinam Gregorius VI. vocatus, qui Cluniaci Pontificatu privatus, quo ab Imp. Henrico III. relegatus fuerat, mortuus eſt. *Annot. ad vit. Gregorii* VI. *And he* (Onuphrius) *explains himſelf yet more clearly in his Chronicle of the Popes.* Cum ſponte abdicaſſet (*ſpeaking of* Benedict VIII. *called the* IXth *by* Platina) in ejus locum factus eſt Gregorius VI. Joan. Gratianus Archi-presb. S. Joannis ante portam Latinam, qui imperante Cæſare Henr. III. Aug. ſedit annum; coactus in concilio Sutrii (*a little City of the Patrimony of St.* Peter *in* Tuſcany) ab Imp. Henrico III. congregato, abdicavit anno 1046, & ad monaſterium Cluniacenſe relegatus, ibidem Paulo poſt obiit & ſepultus eſt. *And then, before he names* Clement II. *whom the Emperor made be choſen in the room of* Gregory, *he adds theſe four Words*, Schiſma in Eccleſia Romana, *to make it be underſtood, that the Election of this* Clement *was not canonical.*

(*m*) Henricus, accepta a Clemente Imperii corona, Romanos in verba ſua jurare coegit, Pontificum electioni ſe nequaquam interfuturos, niſi juſſu Imperatoris id facere cogerentur. *Platina in vita Clemen.* II.

Freiſingen

Freiſingen (6), and continued his Journey as far as *Clugni*; *Hildebrand*, a Monk bred up in the Church of St. *Peter* at *Rome*, a Man of ſingular Addreſs, put *Bruno* upon an Artifice, to bring the Election back again to the *Roman* People. He advis'd *Bruno*, who had now taken upon him the Name of *Leo* IX. to habit himſelf like a Pilgrim, and enter *Rome (n)* ſo diſguis'd; by which he would render himſelf more agreeable to the People. *Leo* follow'd his advice, and the People at his entry proclaim'd him Pope. But this Precedent was of no more authority, for it hinder'd not the Emperor, when *Leo* was dead, from chooſing *Geberard*, Biſhop of *Eichſtat*, at *Mentz*, to be Pope; who forthwith took the Pontifical Habit, by the Name of *Victor* II (*o*). And this Emperor did not only then diſpoſe the Benefices, but made Laws againſt thoſe, who obtain'd them by Simony; pardoning paſt Faults, and impoſing Penalties for the future.

(6) A City of *Bavaria*, under the Archbiſhoprick of *Saltzbourg*.

(*n*) Cui Romam Pontifico habitu petenti, Abbas Cluniacenſis, & Hildebrandus Monachus, obviam facti, perſuaſere, ut depoſito Pontificali ornatu, Romam privatus ingrederetur, quod dicerent Henricum nullam creandi Pontificis poteſtatem a Deo habere; ſed ad Clerum, Populumque Romanum id pertinere. Motus his verbis Leo, depoſito Pontificio apparatu, privatus urbem ingreditur. At vero Rom. Clerus, ſuadente Hildebrando, eundem Brunonem in Pontificem eligit; eo libentius, quod omnem authoritatem eligendorum Pontificum ab Imperatore ad Clerum tranſtuliſſet. *Platina in vita*

(*o*) Victor II. (*ſaith* Onuphrius *in his Chronicle of the Popes*) Suevus Germanus, Gebohardus, Comes Calbenſis, Epiſcop. Eicſtatenſis, Henr. III. Imperatoris Conſiliarius, & propinquus, creatus ab Henr. III. Moguntiæ, & coronatus Romæ, *ibid. April.* 1056.

CHAP. XXIII.

THO' during the Minority of the Emperor *Henry* IV. (1), Son of *Henry* the *Black*, the Popes were as yet created with the consent of the Emperor's Tutors, and the Bishops and Abbots invested by him, with the Ring and Crosier-Staff; however the Popes were not wanting to take the Advantage of his Youth, and of the Dissensions which arose among the Tutors: For *Nicholas* II. made a new Constitution for the Election of the Pope, whereby the Cardinal-Bishops were to elect first; secondly, the other Cardinal-Priests; thirdly, the Clergy and the People; and in the last place, the

(1) *Platina* saith, that he had been design'd Emperor by *Hildebrand*, when he went to entreat *Henry* the *Black* on the part of the Clergy and *Roman* People, that he would give them the Bishop of *Eichstat* for Pope. *In the Life of* Victor II.

But *Henry* IV. had no Occasion to be chosen by *Hildebrand*, to succeed to the Empire, which was then Hereditary.

Cæsares *(saith* Goldastus, in repl. pro imperio, cap. 18.*)* usque ad Henricum V. legitima successione Imperium adibant, & Gregorius VII. *(who was this* Hildebrand) Pontificii Dominatus Auctor, Cæsarum successionem turbare primus sustinuit.

Tametsi enim *(saith another* German *Lawyer)* post excisam Cæsaris prosapiam, Imperatores eligi oportuit, id tamen nunquam contigisse legitur, nisi Legitimus successor deficeret. Et Henricus Bambergensis *(this was the Emperor* Henry II. *formerly Count of* Bamberg*)* Othonis III. Sobrinus, hæreditario jure sibi imperium deberi contra Colonienses contendebat. *Lampad. Reipubl. Roman. Germanicæ, parte* 3. *cap.* 4.

And besides, how could *Hildebrand*, who was but an Envoy from the *Roman* People, make an Emperor, *Authoritate Legationis*, to use *Platina*'s Phrase, seeing the Pope himself had not this Power; and that, on the contrary, the Election of the Pope depended on the Emperor's Confirmation?

Emperor

Emperor was to be apply'd to for his Concurrence (*a*). But *Alexander* II. his Succeſſor, having been choſen after this Model, the Emperor would neither confirm him, nor admit the excuſes which the Cardinals made him, by one expreſly deputed out of their own Body: And tho' they repreſented, that all they had done, had been to avoid a terrible Civil Diſſenſion, and that all had been carried with the higheſt Reſpect to the Emperor, ſeeing the Perſon elected was his Friend, yet he nam'd the Biſhop of *Parma* (2) to the Popedom, at the Inſtance of *Gerard* (3) of *Parma* his Chancellor.

But three Years after, Changes happening in the Imperial Court, and the Chancellor, *Gerard*, being diſplaced, the Biſhop of *Parma* alſo was depos'd, and *Alexander* acknowledg'd for Pope (4). And a League being form'd betwixt the *Bavarians* and *Saxons* in the Year 1072 againſt the Emperor, the Pope join'd himſelf to their Party, came into the League, and the next Year cited him to *Rome*, upon

(*a*) Decernimus & ſtatuimus, ut obeunte hujus Romanæ Eccleſiæ Pontifice, in primis Cardinales Epiſcopi ſimul de electione tractantes, mox Chriſti Clericos Cardinales adhibeant: Sicque reliquus Clerus & Populus ad conſenſum novæ electionis accedat ——Eligatur autem de ipſius gremio, ſi reperitur idoneus, vel ſi de ipſa non invenitur, ex alia aſſumatur, ſalvo debito honore, & reverentia dilecti filii noſtri Henrici, qui futurus Imperator, Deo concedente, ſperatur, ſicut jam ſibi conceſſimus, & ſucceſſoribus illius, qui ab hac Apoſt. ſede perſonaliter hoc jus impetraverint. *Diſt.* 23. *C. in Nomine.*

(2) Who, according to *Onuphrius*, was of the Houſe of *Pallavicini*.

(3) *Platina* calls him *Gibert*, and ſays he was Governor of the Kingdom of *Italy*; *Onuphrius* calls him *Gibert* of *Corrigia*.

(4) *Platina* ſaith, that at the Emperor's deſire he pardon'd the Biſhop of *Parma*, and gave the Archbiſhoprick of *Ravenna* to *Gibert* (or *Gerard*,) who was afterwards created Anti-Pope, under the Name of *Clement* III. in 1080, and held the Seat until the Year 1101.

an Accuſation of Simony (*b*), for having ſold ſome Biſhopricks. This Proceeding, as it was very aſtoniſhing, made much noiſe in the World, no Pope having hitherto made ſo bold a Step. But the Memory of it was ſoon loſt in the Death of *Alexander*, to whom ſucceeded *Hildebrand* the Monk (5), under the Name of *Gregory* VII.

The Emperor being yet young, and *Germany* all in Commotions, this Juncture invited the Pope to exclude him intirely from the Election of the Biſhops and Abbots, and to that end ſent him a Monitory; whereby the Emperor was forbid to concern himſelf any more in thoſe Diſpoſitions (6). To which the Emperor making a ſtrong oppoſition, the Pope excommunicated him, abſolv'd his Subjects from their Oath of Allegiance (*c*), and depriv'd him of the

(*b*) Annus erat poſt mille 74. quo anno Colonienſis & Hermannus Bambergenſis Pontifices Romam miſſi ſunt, pecuniæ inde Regiæ debitæ colligendæ gratia: Qui Legatione peracta, Literas Alexandri Papæ detulerunt, regemque vocarunt, ad ſatisfaciendum de Simoniaca hæreſi, cæteriſque nonnullis magna emendatione purgandis, ſuper quibus Romæ Rex erat delatus. *Krantz. Hiſt. Saxon. pag.* 106. & *Abbas Urſperg. anno* 1072.

(5) The Author adds, of *Sienna*; but he was of *Soana*, a little Town in *Tuſcany*, under the Archbiſhop of *Sienna*. Gregorius VII. *ſaith* Platina, Patria Soanenſis. *And* Onuphrius *adds*, Ex Comitibus Pitiliani, & Soanæ, Monachus & prior olim Cluniacenſis. *In Chron. Rom. Pont.*

(6) *Platina* (ſaith that *Gregory*) forbid only his ſelling the Biſhopricks and Benefices, under pain of Eccleſiaſtical Cenſures. *In the Life of* Greg. VII.

(*c*) Platina *reports the Form of Excommunication of the Emperor* Henry IV. *in theſe Terms:* Beate Petre Apoſtolorum Princeps, inclina, quæſo, aures tuas, & me ſervum tuum exaudi, quem & ab infantia educaſti, & uſque ad hunc diem ab inimicorum manibus vindicaſti, qui me pro mea in te fide oderunt & perſecuti ſunt. Fateor ego, mihi tua gratia, non meis meritis Populi Chriſtiani cauſam demandatum eſſe, conceſſamque ligandi & ſolvendi poteſtatem. Hac itaque fiducia fretus, omnipotentis Dei nomine, Patris, Filii, & Spiritus Sancti, Henricum

the Adminiſtration of the Kingdom of *Italy* and *Germany*. He alſo made a League with the Rebels, and drew the Emperor's own Mother into it againſt her Son; excommunicating withal the Biſhops, who were his Miniſters, or in any Employments under him: And betwixt the Years 1076 and 1085, when the Pope died in Exile at *Salernum*, he had excommunicated the Emperor four times, beſides a General Decree he publiſh'd on the ſame occaſion, importing, That if any Clergyman ſhould accept a Biſhoprick, Abby, or any other Benefice from the hand of a Layman, he ſhould no longer be reputed of the Order, but be excluded from entering the Church: And that all Kings, Dukes, Marquiſſes, Counts, or any other ſecular Lords or Powers whatſoever, who ſhould be ſo hardy to pretend to give Inveſtitures of Benefices, ſhould incur the ſame Cenſures *(d)*.

The

ricum Regem, Henrici quondam Imperatoris filium, qui audacter nimium, & temerarie in Eccleſiam tuam manum injecit, Imperatoria, Regiaque adminiſtratione dejicio, & Chriſtianos omnes Imperio ſubjectos juramento illo abſolvo, quo fidem veris Regibus præſtare conſueverunt. *In the ſame Life.*

It is worthy obſervation, that it is by the Force of this Excommunication, that the Popes have begun to ſhake off the Yoke of the Emperors, whoſe Vaſſals they were, and which is more, to aſſume a Right of taking away the Crown from thoſe, who always had the Power of depoſing the Popes, whenever they abus'd the Pontifical Authority.

(d) Authoritate omnipotentis Dei decernimus, ut qui deinceps Epiſcopatum, vel Cœnobium, vel aliquid aliud Eccleſiaſticum beneficium a Laico acceperit, nullo modo in numero Epiſcoporum, Abbatum, vel Clericorum cenſeatur: Eiſdem quoque cenſuris teneri volumus, & alligari Reges, Duces & Principes, qui Epiſcopatus, Eccleſiaſticaſve dignitates, quod contra jus faſque eſt, demandare alicui fuerint auſi —— Præterea vero gratiam S. Petri, & ingreſſum Eccleſiæ his interdicimus, quouſque pœnituerint ſatisfecerintque. *Ibidem.*

It

The Emperor, ſeconded by the greater Number of the Biſhops, who follow'd his Party, maintain'd his Cauſe ſo well, by Arms, againſt the Pope and his Adherents, that they ran a very imminent Hazard in the Conteſt. But Pope *Gregory*, who had before excommunicated the *Normans* as Uſurpers of the Kingdoms of *Sicily* and *Apulia*, now had recourſe to their Aſſiſtance, took off their Excommunication, and made Conceſſions to them in every Point, which before he had made the Ground of his Quarrel. And if (upon this Agreement, and to ballance the Emperor's Power) *Robert* (7) King of *Sicily* and *Naples*, had not, from perſecuting the Pope, turn'd his Arms to his Defence, the Quarrel had ended intirely to the Emperor's advantage (8). But the Pope, tho' at that time an Exile, with the Aſſiſtance of *Robert*, fail'd not to ſupport his Party.

It is to be obſerv'd, that *Gregory*, to colour his unjuſt Deſigns to take away the Right of Inveſtiture from Princes, rank'd it among ſpiritual Things: tho' it was no more than a meer civil, and politick Ceremony, by which Princes put the Biſhops and Abbots in Poſſeſſion of the Fiefs and Eſtates, belonging to the Biſhopricks and Monaſteries: For to ſay, that becauſe Biſhops carry a Paſtoral Staff, which ſignifies a Spiritual Juriſdiction over their Flocks, and wear a Ring on their Finger, as a Type of their Marriage-Contract with their Church, that it therefore looks as if Princes would pretend to convey ſpiritual Power, which they have not: This is a ſophiſtical Interpretation, which confounds the Temporalities of the Benefice (of which the Prince, as firſt Proprietor, and Repreſentative of the People, hath the Diſpoſal) with the Spirituals; which cannot be communicated but by the Impoſition of thoſe Hands, who conſecrate Biſhops: A Conſecration which would be of no ſignificancy, and ridiculous, if the Inveſtiture of the Prince conferr'd ſpiritual Authority.

(7) Call'd *Guiſchard*, that is to ſay, *The Crafty*.

(8) *Machiavel*, lib. 1. Hiſt. of *Florence* ſaith, That from theſe Quarrels betwixt Emperors and Popes, aroſe the Factions of *Guelphs* and *Gibelins*, of which the firſt took part with the Pope, the other with the Emperor.

And

And the continu'd Services of three of theſe *Rogers*, all Princes of the Family of *Robert*, to the two Succeſſors of *Gregory*, both Monks of the ſame Order, procur'd from the laſt of theſe Popes, *Urban* II. a Preſent of the Bull of the Monarchy of *Sicily* (9) to one of the Princes, in recompence of all the Services perform'd by the *Normans* to the holy See: By which Bull, he granted a larger Power over Eccleſiaſtical Affairs, than that which he attempted with ſo much pains to extort out of the Emperor's hands.

Againſt whom, Pope *Gregory*, beſides his repeated Excommunications, and the frequent Rebellions which he ſtirr'd up and fomented, prevail'd even with the Emperor's eldeſt Son (10), to join in Rebellion

(9) Which declar'd him born Legate of the holy See, and as ſuch, conſtituted him Judge of Eccleſiaſtical Cauſes. Tho' this Grant be Apocryphal, and intirely fictitious, in the Opinion of the Learned, yet the King of *Spain* and his Miniſters fail not to take the Advantage of it, in its utmoſt Rigor, even to the excommunicating Prieſts, Monks, Abbots, Biſhops, and Cardinals themſelves, who reſide in the Kingdom; and to attribute to themſelves the Title of Moſt Holy Father. In the Year 1556, the Council of State of *Sicily*, which took upon itſelf the Quality of the ſacred College, publiſh'd a Book, intitl'd, *The Monarchy*, with deſign to authorize the Spiritual Sovereignty. Cardinal *Baronius* hath writ againſt it, *Tom.* 11. of his *Annals*, but ſucceeded ſo ill, that the Vice-Roy of *Naples* and *Sicily*, and the Governor of *Milan* ſuppreſs'd this Volume, without any regard to the Complaints made by the Cardinal, in his Letters to *Philip* III. King of *Spain*.

(10) *Conrad*, who took the Title of King of *Italy*, and made himſelf be crown'd at *Milan*: After which he married the Daughter of *Roger* King of *Sicily*, who gave him powerful Aſſiſtance againſt the Emperor his Father. So that one of our Advocates-General, of the laſt Age, whoſe Name I have forgot, had reaſon to ſay, ſpeaking of *Gregory* VII. that under him, the *Romiſh* Church was truly the Church Militant.

And yet a *Jacobin* Friar of *Enghien*, was not ſenſible he made himſelf ridiculous in writing

bellion againſt his Father, who by this means was almoſt driven out of *Italy*: And the ſucceeding Pope (11) purſuing the ſame Methods, in carrying on the War, pour'd out his Excommunications afreſh upon the Emperor, plied him with frequent Rebellions, ply'd his ſecond Son *Henry* againſt him, and perſuaded him likewiſe to take Arms. So that at length the Emperor, after great Viciſſitudes of Fortune, came to an Accommodation; but was deceiv'd in the Conditions, and in the end reduc'd to a private Life, by a Reſignation of the Empire to his Son (12).

After the Death of the Emperor *Henry* IV. *Paſchal*, the 4th Pope (13), (reckoning from *Gregory* VII. who firſt took up the Spiritual Arms of Excommunications, to wreſt the Inveſtiture of Biſhops and Abbots out of the Emperor's hands) held firſt a

ting an Apology for St. *Gregory* VII. in anſwer to Father *Alexander*, a Learned Brother of the ſame Order. After which he might well think of making another for Pope *Julius* II. who ſo nearly reſembl'd *Gregory* VII.

(11) *Victor* III. who had been Abbot of *Mount-Caſſin*.

(12) Whom he had caus'd to be crown'd King of the *Romans* at *Aix-la-Chapelle*, *Anno* 1099. This unnatural Son, ſeeing his Father come with a powerful Army to the Dyet held at *Mentz*, in *January*, *An.* 1006, went to meet him, and caſting himſelf at his feet, begg'd pardon, with all the outward Marks of a ſincere Repentance. The Emperor was wrought upon with this feign'd Submiſſion, and they both went together to *Bingen*, where the Son deluded the Father, raiſing a Jealouſy in him, That the Archbiſhop of *Mentz* might keep him Priſoner, if once he enter'd that City, before he was abſolv'd from his Excommunication: That therefore it were more adviſeable for the Emperor, to ſtay ſtill at *Bingen* while his Son went to open the Dyet at *Mentz*, and try to diſpoſe the Princes of the Pope's Party to a Reconciliation. The Emperor ſwallow'd the Bait, and his Son going without him to the Dyet, got himſelf proclaim'd Emperor, at the Requeſt of the Legate, who aſſiſted there in the Pope's Name.

(13) *Gregory* VII. *Victor* III. *Urban* II. *Paſcal* II.

Council

Council at *Guaſtalla*, a little Town in the Dutchy of *Mantua*, and then another at *Troyes* in *France*, in which he renew'd the Decrees of *Gregory* VII. and *Urban* II. importing, That no Laick ſhould intermeddle with the Collation of Benefices (14).

In *France* theſe Decrees were not admitted, but the King maintain'd the former Uſage, as alſo the Emperor *Henry* V. who was his Father's ſecond Son. This Prince, in the Year 1110, marching into *Italy* with an Army, in order to receive the Crown of the Empire, and the Pope having refus'd to crown him, while thoſe Differences were depending; they were compromis'd in this manner, That the Emperor ſhould come to *Rome* to receive the Crown, and that no mention ſhould be made of the Inveſtitures on either ſide; but as an Affair, which had bred ſo much diſturbance, be dropp'd in ſilence. The Emperor came accordingly, and the Pope believing himſelf the ſtronger, would have oblig'd him, contrary to the Agreement, to have renounc'd the Inveſtitures. But the Emperor, having taken a better eſtimate of his own Strength, had the courage to demand a Revocation of theſe Decrees, ſaying, He would not be leſs than *Charlemaign*, *Ludovicus Pius*, or the *Debonaire*, or other his Predeceſſors, who had enjoy'd the undiſputed Poſſeſſion of the Inveſtitures *. This enflaming the Quarrel, the Emperor ſeiz'd on the Perſons of the Pope, and the greater number of Cardinals, and carry'd them

(14) *Platina* in the Life of *Urban* II. ſaith, That one *Henry* Biſhop of *Soiſſons* reſign'd his Biſhoprick into the Pope's hands, as not believing the King of *France*, who had preſented, had a Right to nominate; and took an Oath to the Pope (who reſtor'd the Biſhop to his Biſhoprick) That he would never aſſiſt at the Conſecration of Biſhops, which ſhould be preſented by Lay-Hands.

* Vide Sigebert Gemblacenſ. in Chronico, Anno 1111.

Priſoners

Priſoners out of *Rome*. This produc'd a Treaty again, by which the Pope conſented to crown *Henry* Emperor, and to yield to him the Collation of Benefices (*e*), and no more to excommunicate him for exerciſing that Power: All which the Pope ſwore to obſerve. Then celebrating Maſs, the Pope took, and gave the Sacrament upon it, dividing the Hoſt betwixt himſelf and the Emperor (*f*), pronouncing the moſt dreadful and execrable Imprecations on the Violaters of this Peace.

When the Pope return'd to *Rome*, he declar'd ſtill he would obſerve it: Nevertheleſs, his Legates took the liberty to excommunicate the Emperor, and two Years after, in the Year 1112, theſe Imprecations had ſo loſt their Force, that he held a Council, in which he confirm'd the Decrees of the Popes *Gregory* and *Urban*, that none ſhould receive Inveſtitures from Lay Hands; and procur'd alſo the late Pacification with the Emperor to be annull'd

(*e*) In Reconciliatione autem quæ facta eſt inter Imperatorem & Papam, (nam ipſum Papam cum Epiſcopis, & Cardinalibus ceperat) die Paſchæ Henrico in Imperatorem coronato, poſt Lectum Evangelium, tradidit ei Papa ante altare Apoſtolorum Petri & Pauli, in oculis omnium Principum Privilegium de Inveſtitura Epiſcopatuum, vel Abbatiarum tam per annulum quam per virgam, ſcilicet ut regni ejus Epiſcopis, & Abbatibus, libere præter violentiam & Simoniam electis, inveſtituram virgæ & annuli, conferat; poſt inveſtitionem verò Canonicè conſecrationem accipiant ab Epiſcopo ad quem pertinuerit. *Sigebertus in Chronico. Anno* 1111. *& Abbas Urſergenſis, eodem anno.*

(*f*) Confirmatio pacis inter Apoſtolicum & Imperatorem, dum in Celebratione Miſſæ traderet ei Corpus & Sanguinem D. N. Jeſu Chriſti: Domine Imperator hoc corpus Domini natum ex Maria Virgine, paſſum in Cruce damus tibi in Confirmationem veræ pacis inter me & te. *Sigebertus in Chronico anno cit. vide Juretum in Notis ad Ep.* 236. *Ivonis Carnot. pag.* 195.

and

and declar'd void, by that Council (15): And to leave no doubt of its being ſo, he finally excommunicated the Emperor again, in the Year 1116.

Pope *Gelaſius* II. was immediate Succeſſor to *Paſcal*, and next after him, came *Caliſtus* II. betwixt whom and the Emperor the Conteſt ſtill laſted, and he was excommunicated ſucceſſively by them both.

Theſe three Popes not only made uſe of Excommunication, but found him Employment likewiſe in the ſeveral Rebellions, which they ſtirr'd up againſt him, and which were headed by *Lotharius* of *Saxony*, whoſe Arms had gain'd frequent Advantages againſt him. At length, the Emperor finding himſelf beſet with ſo many Difficulties, renounc'd his Claim to the Inveſtitures (*g*). Thus ended a Quarrel, which

(15) When the Emperor complain'd of the Excommunication thunder'd againſt him, ſome time after by the Council of *Lateran*, the Pope, *Paſcal*, made anſwer, That he had indeed promis'd, he himſelf never would excommunicate the Emperor, in Claim of the Inveſtitures, but never promis'd that he would not make him be excommunicated by a Council. To which the Emperor might have reply'd, That this Excommunication was an Act of the Pope himſelf, ſeeing he had confirm'd it with the Revocation of the Inveſtitures: For the Popes pretend, that the Acts of Council are not valid without the Papal Confirmation. So that both the Revocation and Excommunication had been void if the Pope had not confirm'd them.

(*g*) *See the Act itſelf:* Ego Henricus Dei gratia Romanorum Imperat. Auguſtus pro amore Dei, & ſanctæ Romanæ Eccleſiæ & Domini Papæ Caliſti, & pro remedio animæ meæ dimitto Deo, & ſanctis ejus Apoſtolis, Petro & Paulo, ſanctæ Eccleſiæ Catholicæ omnem inveſtituram per annulum & baculum, & concedo in omnibus Eccleſiis fieri electionem & liberam conſecrationem. Poſſeſſiones & regalia B. Petri, quæ a principio hujus diſcordiæ uſque ad hodiernam diem ſive tempore Patris mei ſive etiam meo, ablata ſunt, quæ habeo, eidem ſanctæ Rom. Eccleſiæ reſtituo: Quæ autem non habeo, ut reſtituantur, fideliter juvabo. Poſ-

ſeſſiones

which (having laſted 56 Years, under ſix Popes) had been the Occaſion of excommunicating an infinite number of People, Eccleſiaſticks and Seculars, who had engag'd in the Emperor's Quarrel; and which had been the Deſtruction of Millions of People, on one ſide, and the other, in 60 Battles, fought by *Henry* the Father, and in 18 by *Henry* his Son. [*Tantæ molis erat,*] So great a Work it was to lay the Foundation of ſo vaſt a Structure, which we have ſince ſeen carry'd up to his height: Of which, we ſhall have occaſion to diſcourſe hereafter.

In the mean time, the Judgments were very various, which were made concerning theſe Differences, betwixt Pope *Paſcal* and the Emperor: Some ſaid the Agreement on the Pope's part was void, as proceeding from Fear, and made while he and the Cardinals were under Confinement, and in the Emperor's power (16); and that therefore the Pope had reaſon to diſown it. On the other ſide, it was anſwer'd, That if this were void, as having been extorted by force, that Argument were as good for the Emperor, who was as little bound to obſerve all that he had agreed to on his part, to ſhelter himſelf from theſe Storms of Excommunications and

ſeſſiones etiam omnium aliarum Eccleſiarum & Principum, & aliorum tam Clericorum, quam Laicorum concilio principum, & juſtitia, quas habeo ut reddantur, fideliter juvabo. Et do veram pacem Caliſto, ſanctæ Rom. Eccleſiæ, & omnibus qui in parte ipſius ſunt, vel fuerunt, & in quibus ſancta Rom. Eccleſia auxilium poſtulaverit fideliter juvabo. *Abbas Urſpergenſis in Chron. an.* 1122.

(16) The Emperor had foreſeen, and prevented this Objection; for after his Coronation, where the Pope had divided the Hoſt betwixt them, in token of a perfect Reconciliation, he procur'd a ſecond Bull of the ſame Tenor with that which the Pope had granted before he was ſet at liberty; to the end the Court of *Rome* ſhould have no Pretext to proteſt againſt the Conceſſion, or rather Confirmation of Inveſtitures.

Anathemas,

Anathema's, beſides ſo many open Rebellions and private Conſpiracies, which may be reckon'd as thrown into the Compoſition to raiſe the Storm: And therefore what Reaſon was there any more to renounce an Agreement made for fear of Impriſonment, than one made in terror of Excommunication and the Conſequences of it, and of ſeeing his People in confuſion, and his Eſtates torn in pieces, and overturn'd with civil Wars.

Some Fathers of the Council, in the preſence of *Paſchal*, made uſe of this *Dilemma*; "If the Decree "by which the Pope conſented to yield up the In-"veſtitures to the Emperor, were lawful, it ought "to be obſerv'd: But if it be unjuſt, and, as ſome "ſay heretical, the Pope, as the Author of it, is "therefore unjuſt and heretical alſo *.

It is certain, that a Conceſſion of a thing juſt and due in itſelf, is valid, tho' made through Fear; and on the other ſide, an Act is never juſtifiable, if againſt the Law of GOD, by the ſtrongeſt Impreſſion of Fear that can be pleaded (17).

* *Abbas Urſpergenſis in Chron. anno* 1116.

(17) Becauſe the Natural Divine Law is, of itſelf, good and immutable, and commands things abſolutely neceſſary to Salvation. And for this Reaſon, according to St. *Thomas*, the Commandments of GOD bind abſolutely, and not the Commands of the Church, which, for that Reaſon may, in ſome Caſes, be diſpens'd with.

CHAP. XXIV.

THE Strugglings and Contentions betwixt the Popes and Emperors, about the Inveſtitures of Biſhopricks and Abbies, were not confin'd to *Italy* and *Germany* alone, which were the Kingdoms and Dominions of the Emperor: But ſeveral Biſhops in *France* likewiſe, excited either by Intereſt or Example, took the ſame Occaſion to oppoſe the King *. But as they were not enough united, to enter all into the ſame League with the Pope †, the King generally carried his Point: And the Popes contented themſelves to gain that by little and little, which it had not been poſſible for them to have compaſs'd all at once.

In *England*, where the Kings had hitherto always conferr'd the Biſhopricks and Abbies, *Anſelm*, Archbiſhop of *Canterbury*, in the Year 1102, in obedience to the Pope's Decrees, began to refuſe to conſecrate Biſhops nominated by the King (*a*). This Conteſt held for many Years, the King maintaining

* *Vide Goffrid. Vindocin. tract.* 2, 3, & 4.

† *Vide Ivon. Carnot. ep.* 60.

(*a*) Eodem anno (1113.) Anſelmus Cantuarienſis Epiſcopus Concilium tenuit Londoniis in Eccleſia St. Petri, præſente Rege, & ſuffraganeis Epiſcopis. In hoc concilio —— Regi, quæ Romæ decreta erant, Concilio generali, plano ſermone deſcripſit, quod videlicet nullus Eccleſiarum Prælatus, Epiſcopus, vel Abbas, vel Clericus Inveſtituras alicujus Eccleſiaſticæ dignitatis de manu ſuſcipiat Laicorum. Et quoniam ad juſſionem Regis quoſdam Epiſcopos, qui inſtitutiones a Rege ſuſceperant, conſecrare noluit, vel eis communicare Rex vehementer iratus præcepit Gerardo Archiepiſcopo Eboracenſi, ut eos conſecraret: Sed Willielmus Giffardus Wintonienſis electus, qui conſecrari debuit, Gerardi ſprevit conſecrationem. Quare juſſu Regis eliminatur a Regno. *Matth. Paris in Henrico. Vide Juretum in notis ad epiſt.* 190. *Ivonis, & Baluzium Miſcell. tom.* 4. *pag.* 477.

his

his Authority (*1*), and the Archbiſhop, ſupported by the Pope, oppoſing it. The King, in hopes to bring the Pope to hear Reaſon, ſent an Ambaſſador to *Rome*, who, provok'd by the rough Anſwers and Menaces of the Pope, declar'd that his Maſter would never yield up his Authority, tho' he loſt his Kingdom in its Defence: To which the Pope with no leſs Boldneſs, reply'd, He would never ſuffer the King to nominate to the Benefices, if he loſt his Head (*b*). The King ſtood his ground, and *Anſelm* was forc'd to quit the Kingdom; nor could he ever return again, without complying with the King (*c*). But this Prince dying without Sons, and a civil War enſuing, it was eaſy for the Clergy to introduce in *England*, what the Pope had done in the Empire, by the Renunciation of *Henry* V.

(*1*) He inſiſted, that the Inveſtitures of Biſhopricks was a Right of his Crown, and enjoy'd by his Anceſtors for time immemorial.

(*b*) Die pro Regiis conſtituto negotiis, Willielmus de Warenaſt Clericus, & Procurator Regis Anglorum cauſam ipſius in medium tulit, ac inter alia conſtanter allegavit, quod nec ipſe pro regni amiſſione inveſtituras Eccleſiarum amittere velit, & hoc verbis minacibus affirmavit. Ad hæc Papa, ſi quemadmodum dicis, Rex tuus nec pro regni amiſſione donationes Eccleſiarum amittere pateretur, ſcias præciſe coram Deo dico, quia nec pro mei capitis redemptione eas illi impune permitterem obtinere. *Matth. Paris anno* 1103. *Vide Will. Malmsburienſem; lib.* 1.

(*c*) Eodem anno [1109] factus eſt Conventus Epiſcoporum & Abbatum pariter & magnatum Londiniis in Palatio Regis, præſidente Archiepiſcopo Anſelmo, cui innuit Rex Henricus, & ſtatuit, ut ab eo tempore in reliquum nunquam per donationem baculi paſtoralis, vel annuli, quicquam de Epiſcopatu, vel Abbatia per Regem, vel quamlibet Laicam manum inveſtiretur in Anglia, concedente Archiepiſcopo, ut nullus ad prælationem electus, pro homagio quod Regi faceret conſecratione ſuſcepti honoris privaretur. *Mat. Paris.*

Mezeray, ſpeaking of this Agreement, ſaith, that ſtrictly ſpeaking, it was only changing Terms; for who pays Homage is a Vaſſal, and holds of him to whom he pays it. *In the Life of* Phil. Auguſtus.

It is true indeed, that in the Year 1132, *Lotharius* of *Saxony*, who ſucceeded the Emperor *Henry* V. being fought to by *Innocent* II. to acknowledge him for Pope, and *Anacletus* II. (2), his Competitor, refus'd it, unleſs *Innocent* would reſtore the Inveſtitures, which *Henry* the Emperor, his Predeceſſor, had renounced: And probably *Lotharius* had obtain'd them, if he had not deſiſted from his Pretenſions at the inſtance of *St. Bernard* (*d*), his intimate Friend; who made him ſenſible how ill it would look in him, to maintain a Claim, which himſelf, at the inſtigation of Pope *Paſchal*, had taken Arms againſt the Emperor *Henry* to overthrow, and which, at the ſame time, would be owning himſelf to have been a Rebel againſt his Prince in an ill Cauſe.

And here we find a very ordinary Conſequence of great Victories, that where the Force of an Enemy is not quite broken and exhauſted, the Remains of the vanquiſh'd Party often gather Strength, and revive their old Pretenſions (*e*); which a prudent Conqueror will try rather to defeat by Artifice and Temporizing, than to return to open Force, which might re-kindle the War (*f*).

(2) Who, according to *Onuphrius*, was created the ſame day with *Innocent* II. and held the Chair 7 Years and 9 Months. *Innocent* was choſen by 17 Cardinals, and *Anacletus* by 21; which ſeems, with ſome Reaſon, to make the Election of *Innocent* very doubtful.

(*d*) Importune Lotharius Rex inſtitit, tempus habere ſe reputans opportunum, Epiſcoporum ſibi reſtitui Inveſtituras quas ab ejuſdem prædeceſſore Imp. Henrico per maximos labores Rom. Eccleſia vendicarat. Expaveſcentibus Rom. R. potentiam, murum ſe oppoſuit Abbas ſanctus, audacter enim reſiſtens Regi, verbum malignum mirum libertate redarguit, mira authoritate compeſcuit. *In his Life, by* Allen *Biſhop of* Auxerre. cap. 18.

(*e*) Relictis per quos reſurgeret bellum. *Tacit. Annal.* 3.

(*f*) Eſſe adhuc victis vires ambiguas, ſi deliberarent, acres, ſi deſperaſſent, victoriam conſiliis, & ratione perfici. *Hiſt.* 3.

Thus

Thus it happen'd on the preſent Occaſion, the Popes could not gain ſo abſolute a Victory, in a Cauſe of ſuch vaſt Pretenſions, but that there would yet remain, here and there, ſome Benefices in the diſpoſal of Laymen, and that there was ſtill ſome Prince, who, for Intereſt of State, would diſpoſe of Biſhopricks, without any regard had to the Pope's Pretenſions.

In *France* the Regale remain'd in force, which is a Right the King hath of conferring all ſimple Benefices, or ſuch as are without Cure, that ſhall fall vacant after a Biſhop's Death, untill a Succeſſor be appointed (3).

In *Germany*, the Emperor preſerv'd a Right in many Churches *, of preſenting one of the Canonries: And ſeveral other Princes retain'd likewiſe divers particular Rights.

The Popes fearing to revive the old Quarrel, and to hazard the loſing all the Advantages they had gain'd, if they ſhould attack thoſe particular Cuſtoms, or to prejudice the common Cauſe, by letting them run on, wiſely had recourſe to Negotiations and Artifice. So they bethought themſelves of a middle Courſe, which was to ſet the Canoniſts, and other Pen-men, who were in their Intereſts, on writing, to prove, that Princes enjoy'd this Power by Conceſſion only from the Popes; which ſerv'd to advance an Opinion, that Princes had no Right whatſoever, but what proceeded from the Grace and Favour of the Popes, and even, to carry the Pretenſions of the holy See yet higher: Tho', whatever the Pretenſions were, they met

(3) The Regale laſted not only until the Creation of a Succeſſor, but until he had taken the Oath of Fidelity to the King, and had obtain'd Letters of Licence to take Poſſeſſion.

* Abbas Uripergenſis, anno 1122.

with a great Diſpoſition in Princes to bear with them; who perſuaded themſelves, that the Addition of a Title from the Church, ſtrengthen'd their own; that it was a quieting and enſuring the Poſſeſſion, and putting them under Covert from the papal Perſecutions.

But the Event ſhew'd how much they were miſtaken in the Remedy they propos'd, which prov'd a Poiſon to the Diſtemper, and deſtructive of all Quiet: For about the Year 1300, *Boniface* VIII. had ſharp Conteſts with *Philip* the *Fair*, King of *France*, to make him renounce the Regale (4); and the Quarrel went ſo high, that the Kingdom was brought into a very dangerous Condition, not only by its being laid under Excommunications and Interdictions (*g*), but by its being made a Preſent to the Emperor *Albert*, to incite him in his undertaking the Conqueſt of it.

Thoſe, who at firſt believ'd it would be for their Intereſt, to hold that by Conceſſion from the Papal Chair, which was in truth the ſole Property of the Princes, did not conſider, by what brittle Bands all Apoſtolick Conceſſions were held; ſince no Agreement could ever be found ſtrong enough to

(4) The Author adds, That the King was depriv'd of his Kingdom; but this is eaſily underſtood, ſince *Boniface* gave it to another Prince. Yet this hinder'd not *Philip* and *Albert* from coming to an Interview as good Friends, at *Vaucouleurs* in *Champagne*, where they renew'd the ancient League betwixt the Empire and *France*, *ann.* 1299. and the Year following a Marriage was ſolemniz'd betwixt *Rodolphus* Son of *Albert*, with *Blanch* the Daughter of *Philip*.

(*g*) Miſſo in Franciam Archi-Diacono Narbonenſi Philippum vetat [*Bonifacius*] quidquam de Eccleſiæ proventibus percipere, qui tametſi Eccleſiæ defenſor ſit, ſe tamen Regnumque Franciæ per ejus contumaciam ad Rom. Eccleſiam eſſe devolutum. *Gaguin. lib.* 7. *de rebus geſtis Franc. Vide Paul Æmilium in Philippo pulchro, pag.* 169.

bind

bind Popes, but that they pretend to a Power of revoking, even without a Cauſe, (not that they ever want Pretext for one) any Privileges whatſoever, granted by their Predeceſſors: Beſides, that whoever poſſeſſeth any thing in his own Right, and yet is contented to acknowledge it as held of Grace from another, may aptly be compar'd to a Man, who leaves his own Ground, to build on another Man's.

On the contrary, when any Prince, whoſe Patience was worn out, and grown weary of the Dependance, conferr'd any great Benefice of himſelf, which the Kings of *England* and *Sicily* did very frequently, the Popes made no Words of it to the Prince, for fear of engaging too far in Conteſts; but to prevent any future Prejudice by the ill Precedent, they ſo wrought by the Monks, that the Elect ſhould renounce all his Right into the Pope's hands (*b*), who ſhould oblige himſelf to give them the Inveſtitures; by which Expedient they arriv'd at the peaceable Enjoyment of that, which otherways would have been eternally conteſted, and have put the Elect in endleſs Difficulties.

(*b*) Hac ratione, atque hoc ordine Pontificatus ſcandere coactus ægre quidem cum multa hæſitatione conſenſit propter contentionem illam quæ erat inter regnum & ſacerdotium cauſa Inveſtituræ, & electionum Eccleſiarum, quas evacuare ſibique vindicare plus æquo nitebatur Imperialis authoritas. Rurſus autem verebatur, non ſine Divinitatis nutu, jam tertio ſibi auferri Epiſcopatum, eumque ſi tertio ſibi repudiaret, poſſe in ipſum competere illam ſententiam: Noluit Benedictionem & elongabitur ab eo. Inter has igitur anguſtias poſitus, quod unum ſalutare exiſtimabat, ad ſanctæ & Apoſtolicæ ſedis auxilium confugere decrevit. In ipſo igitur articulo, cum adhuc in Aula Imperatoria eſſet, votum nuncupavit Domino, nunquam ſe in Epiſcopatu permanſurum, niſi conſentiente & poſtulante Eccleſia ſua, ipſius Pontificis Maximi manu, & conſecrari & inveſtituram conſequi mereretur. *Anonym. in vita S. Ottonis, anno* 1102.

Of this manner of proceeding, *Florence*, of *Worceſter*, and *Ivo* of *Chartres* *, Writers of that Age, make frequent mention, as of a common Practice in *Germany* and *France*, where, to uſe their own Phraſe, the Popes took with one Hand, and gave with the other. And it found the eaſier Admiſſion with the Parties concern'd, becauſe it drew them out of the preſent Difficulties: And when the King who had preſented, came to know it, he was apt to let it paſs, ſince it wrought no immediate Alteration, without conſidering what conſequence it would have in the End. The Popes alſo, at this day, play the ſame Game againſt the Catholick Biſhops of *Germany*, who refuſe to admit their Right of Prevention or Reſervations; of which more ſhall be ſaid in its proper place †.

In *Spain*, the ſedate and quiet Temper of that prudent Nation, together with the good Government of their Kings, amidſt an univerſal Agitation round about them, preſerv'd that Country in a perfect Calm: To which, the Exerciſe the *Saracens* gave them in thoſe Ages, might poſſibly contribute, ſo far as to incline them to live in Union with their Kings, and to make Peace more valuable.

Theſe Kings had never ſtrain'd their Power over the Clergy to any extravagant pitch, in order to bring them lower; nor had the Clergy ever enter'd into any foreign Engagements, beyond their Duty, to exempt themſelves from the King's Juriſdiction. Beſides that, when it was evident that the Popes had, either by Force or Terror, or by Intrigues, gain'd Advantages over other Kingdoms, theſe Princes ſtudied always ſuch Expedients, as might prevent the effects of theſe Innovations as much as

* Epiſt. 190, 191, & 233. | † See the Article 39.

poſſible.

poſſible. And therefore, tho' Biſhops and other Eccleſiaſticks had been conſtantly ordain'd here according to the ancient Uſage, yet when the Changes we have mention'd came to be made in other Countries, theſe Princes would have no Differences with the Popes, but by a wiſe Temperament, contented themſelves with contriving, That no Biſhop ſhould be ordain'd without their conſent: And to ſecure himſelf of that Right, *Alphonſus* VI. ſought to *Urban* II. for his confirmation; who granted him the *Jus Patronatus* of all the Churches in his Kingdom (5).

Thus we ſee the Kings of *Spain* have proceeded in quite another Method than thoſe of *Germany*, *France*, and *England*; for being contented to hold that precarious, and as of Grace from another, which belong'd to themſelves ſingly, they purchas'd a more peaceable Enjoyment; when others have been a long time ſtruggling and defending themſelves againſt any ſuch Acknowledgement: And yet, both the one and the other acting upon very prudent Conſiderations.

Theſe ſaw evidently, that it was the high Road to Subjection, and to loſe all; ſeeing the Demand of the Pope was not an end of his Pretenſions, but a Step to much greater. They conſider'd their own Subjects, eſpecially the Eccleſiaſticks, carried by a Paſſion for Liberty, that might be call'd Licentiouſneſs: And conequently, as they were always ready to enter into Engagements with Foreigners, to leſſen the Authority of their Prince, ſuch a Door ought not to be left open to invite them.

(5) *Platina* ſaith, That *Urban* II. gave the Pallium to the Archbiſhop of *Toledo*, and created him Primate of *Spain*, and excommunicated the King of *Galicia*, and all the Province, for having impriſon'd the Biſhop of St. *James's*

But

But in *Spain*, tho' the Confidence which the Princes had in the peaceable Diſpoſitions of their Subjects, gave no jealouſy of their having recourſe to any foreign Intereſts, yet theſe Princes had a great deal to apprehend from the low State of their Affairs at that time, and from the Artifices of thoſe who had been already ſo ſucceſsful in making the Subjects of other Princes revolt, who far exceeded theſe in Power: And therefore, prudently determin'd to receive freely, what greater Princes than themſelves had been compell'd after ſo many Wars and bitter Conteſts, to ſubmit to.

Finally, in that ſpace of Time, betwixt the Years 1122, wherein the Emperor *Henry* V. renounc'd the Inveſtitures, and 1145, it became a Rule almoſt every where eſtabliſh'd, that upon the Death of the Biſhop, his Succeſſor ſhould be choſen by the Chapter *, and confirm'd by the Metropolitan: That the Abbots ſhould be choſen by the Monks †, and then confirm'd by the Biſhop, if the Monaſtery were not exempted; and if it were, the Pope (1) was to be apply'd to for his Confirmation. That the other Benefices, which were *de Jure Patronatus*, ſhould be conferr'd by the Biſhops upon the Preſentation of the Patron: But that all the reſt ſhould be at the intire diſpoſal of the Biſhops.

* See St. *Bernard*, Ep. 22. ad Clerum Senonenſem 276. ad Eugen. Papam, & 282. ad Ludovicum Regem Francorum.

† Id. Ep. 381. ad Alexandrum Priorem de Fontibus.

(1) *Matth. Paris* ſaith, That this was not practis'd in *England*, till after the Year 1257. Eodem anno ſtatutum eſt Romæ a Domino Papa, & fratribus Cardinalibus qui vigilanter ſua temporalia procurant commoda & emolumenta, aliena non curantes ut quilibet qui in Abbatem exemptum ex tunc eligeretur, Romanam Curiam adiret confirmandus & benedicendus. *In Henrico* 3.

There

There remain'd indeed the chief Election of all, the Popedom, which ſeem'd not to fall under any Regulation; for, after the Emperor had been excluded from the Election, inſtead of its returning to the People, which was a Conſequence ought to have been expected, *Innocent* II. upon a Quarrel betwixt him and the *Roman* People, in which he was driven out of *Rome*, in return, took away the Right of Election from the People *(k)*.

(*k*) Innocentio II. *faith* Onuphrius, qui pacem quam bellum malebat a Civitatis adminiſtratione ſubmoto, novum reipublicæ corpus, præter ejus voluntatem, conſtitutum eſt [becauſe the *Roman* People deſir'd to ſhake off the Yoke of the Prieſthood, and re-eſtabliſh the old Democratical Government.] In quibus controverſiis populus Romanus, quod Pontifici rebellis eſſet, Anathemate notatus, tunc primum a Pontificiis comitiis omnino excluſus. Primus porro, ſine ullo populi interventu Papa creatus eſt, mortuo Innocentio ſecundo, Cæleſtinus ſecundus. *Annotat. ad vitam Innoc.* II.

CHAP. XXV.

DUring the Troubles which aroſe upon the Subject of theſe Differences, many Cities revolted againſt the Emperor, at the inſtigation of their Biſhops, who were in Confederacy with the Pope; and having made themſelves the Heads of the Rebellion, became Maſters of the publick Revenues, and of the Rights and Royalties belonging to the Crown: And when Things came to be compos'd, they

they were so well fix'd (1) in those Possessions, that the Prince was oblig'd to grant them the Fiefs of what they had really usurp'd (2): By this means they acquir'd the Titles of Dukes, Marquisses, and Counts, of whom we find many in *Germany* at this day, both in Name and in Reality; tho' in *Italy*, indeed, they retain only the Name. And thus we see how vast Secular Estates became Ecclesiastick, [and grew sacred] which receiv'd also a considerable Addition during the other Troubles and Confusions, which happen'd under the Emperors of the House of *Suabia*.

(1) *Tacitus* observes, that it is usual for Usurpers to alledge a a long and unjust Possession for a just Title.

Regis Appionis agros proximus quisque possessor invaserant, diuturnaque licentia & injuria quasi jure & æquo nitebantur. *Anno* 14.

(2) It was because of these Fiefs, that many Bishops, both *German* and *French*, were oblig'd to go in Person to the Wars.

CHAP. XXVI.

THE Monks in these Days, by interesting themselves, and by their active Appearance, in favouring the Attempts of the Popes against the Princes (1), lost much of the Opinion, which was had before in the World, of their Sanctity.

(1) *Mezeray* saith, that in consideration of the Services done to the holy See, in the Quarrels with the Emperors, that the Popes honoured the principal Abbots with Episcopal Ornaments, *viz.* A Mitre, a sort of Vestment or Surplice, or Vestment call'd *Dalmatica*, Gloves, Sandals, and then with the Crosier. *Life of* Phil. Augustus.

As,

As, indeed, all Diſcipline and ſtrict Obedience among them were ſunk ſo low, ſince they had intruded themſelves into the Affairs of State and War, that it put a ſtop to the Growth of their Fortunes; except in ſome little Fraternities newly inſtituted in *Tuſcany*, who made themſelves no Parties in theſe Broils, but preſerv'd their Diſcipline (2): So that theſe ſtill ſhar'd in the Peoples Devotion, and ſtill preſerv'd the Means of acquiring it, tho' in a very moderate Degree, becauſe of the Poverty of the Country.

(2) *F. Paolo* here tacitely praiſeth the Order of *Servites*, whoſe Habit he wore: For it was about this time that this Order, and many others, were ſeated in *Tuſcany*. Origo eſt, *ſaith he, in one of his Letters to* M. Gillot, ex Florentia, in ea Civitate Mercatores quidam ſe in Collegium coegerunt anno Dom. 1230. Quo tempore ea Regio hujuſmodi partuum ferax erat. Quod in laudibus B. Virginis cantandis aſſidue occuparentur —— a vulgo tunc ſervi B. Mariæ vocati; unde ad nos ſucceſſores nomen.

CHAP. XXVII.

BUT there was another Incident in the Times of which we have been ſpeaking, which contributed vaſtly to the Acquiſitions of the Church, and that was, The holy War. And Men were ſo tranſported with Zeal for Expeditions to the holy Land, and for Contributions towards its Recovery, that loſing all Memory of their Wives, Children or Eſtates, they enroll'd themſelves in that Service, ſold all they had, and paſs'd the Seas. The ſame Inſenſibility reach'd even the ſofter Sex, who, without any Concern for their Children or Families, on this occaſion ſold their Inheritances to carry on that War.

The Popes, by virtue of their Briefs, declar'd themſelves, and the other great Prelates, Protectors of the Families and Affairs of all thoſe, who had taken upon them the Cruſade *(a)*, (the Term uſed for thoſe who went to that War againſt the Infidels:) And the Churches drew to themſelves all the Profit which uſually ariſes from being Tutors, Truſtees, Procurators or Sollicitors for Widows, Pupils and Minors. Nor did the Civil Power think fit to make any Oppoſition, deterr'd by the Cenſures of the Church, which were then ſo formidable and fulminated in ſo great abundance.

Eugenius III. went yet farther, he ordain'd that every Man might, in favour of this holy War, alienate even the Fiefs he held; which, if the Lord could not come to take poſſeſſion of, the Church might, even againſt the Will of the Lord:

(a) Eis qui Hieroſolymam proficiſcuntur, & ad Chriſtianam gentem defendendam, & tyrannidem Infidelium debellandam efficaciter auxilium præbuerint, ſuorum peccatorum remiſſionem concedimus, & domos, & familias, & omnia bona eorum in B. Petri & Rom. Eccleſiæ protectione, ſicut a domino noſtro Papa Urbano ſtatutum fuit ſuſcipimus. Quicunque ergo ea diſtrahere vel auferre quamdiu in via illa morantur, præſumpſerint, excommunicationis ultione plectantur. *Conc. Lateran. ſub Calixto* II. *an* 1122. *cap.* 11. See the 2d Canon of the Council of *Clermont*, and the Notes of Mr. *de Marca*. *Ives de Chartres, ep.* 173, & 197. *William* Archbiſhop of *Tyre*, *lib.* 1. *cap.* 15. *William de Newburg, lib.* 3. *cap.* 23. *Roger Hoveden, p.* 639. *Matth. Paris an.* 1245. *Otho* of *Friſingen, lib.* 1. *de geſtis Friderici cap.* 35. & *epiſt.* 197. *of Innocent* III. *lib.* 15.

Obſerve what the Archbiſhop of *Tyre* ſaith, that many Gentlemen went to the holy Land only to get diſcharg'd from paying their Debts: To which the following Bull of *Gregory* IX. relates, *viz.*—— Si qui vero proficiſcentium illuc ad præſtandas uſuras juramento tenentur adſtricti, creditores eorum per Eccleſiarum Prælatos, ut remittant eis præſtitum juramentum, & ab uſurarum exactione deſiſtant, præcipimus compelli. *See Matth. Paris in Henrico* III. 1251.

Which

Which, alone, open'd a Way to mighty Acquiſitions (1).

It likewiſe happen'd, that the Popes would employ the Arms deſign'd for the holy War, in ſome Enterprizes for enlarging the Temporalities of the Church; and their Legates, and the Biſhops of ſuch Places as were the Rendevouzes for the Troops when they were drawn together, would employ them likewiſe in ſome Service, for the Encreaſe of their Temporalities.

To this may be added, the large Sums which were drawn from devout People, chiefly from the Women, and others incapable of ſerving, themſelves, in Perſon; either to free them from the Obligation of ſome Vow, or to obtain Indulgences and other ſpiritual Graces: All which, no body imagines, were laid out in the war; for beſides that, there is no doubt, the Princes got ſome Share, a conſiderable Part was ſtill reſerv'd in the hands of the Prelates, and ſo became an Encreaſe to the Church.

Then follow'd the Inſtitution of the Religious Military Orders of the Knights Templars (*a*), Hoſpi-

(1) The Cruſades, ſaith *Mezeray*, render'd the Popes very powerful, for they order'd Princes to enroll themſelves in thoſe Expeditions; they retain'd the Sovereign Commands of theſe Armies by their Legates, and they became, in ſome ſort, Lords in Chief of all thoſe who went to the Cruſade; not only becauſe the Popes exacted Obedience from them, but becauſe they took the other under their Protection till their Return, which was like Letters of State, and ſuſpended all civil and criminal Proceedings. Mezeray *in the Life of* Phil. Auguſtus.

(*a*) Templariorum militum ordo inſtitutus anno 1118. Hieroſolymis ab Hugone de Pagonis & Gaufrigo de Aldemaro. Horumque fuit primitus profeſſio, ut vias & itinera maxime ad ſalutem peregrinorum contra latronum & incurſantium inſidias pro viribus conſervarent. Cum autem 9 annis poſt eorum inſtitutionem in habitu fuiſſent ſeculari,

Hoſpitallers, *&c.* to guard the Temple of *Jeruſalem* (*b*), protect the Pilgrims who reſorted thither, and to fight againſt the *Saracens*. And tho' Religious Inſtitutions to ſhed Blood, ſeem'd ſomething new, and not eaſily to be reconcil'd, yet they were embraced with ſuch a Fervour, that the Orders grew to immenſe Riches in a very ſmall time; and conſequently, all together, were vaſt Articles of encreaſe in the whole.

ſeculari, in conſilio Trecenſi data fuit eis regula & habitus aſſignatus fuit albus, viz. de mandato Honorii Papæ, & Hieroſolymitani Patriarchæ. Poſtmodum vero ſub Eugenio Papa cruces de panno rubeo, ut inter cæteras eſſent notabiliores, aſſuere cœperunt, tam equites, quam eorum fratres inferiores, qui dicuntur ſervientes. Atque hi quoniam juxta templum Domini in Palatio Regio manſionem habebant, fratres militiæ templi ſeu Templarii appellati ſunt. *Cangius in Gloſſar. ex Wildielmo Tyrio, lib.* 12. *cap.* 7.

(*b*) Terra illa promiſſionis, lacte & melle fluens, non ſolum religioſos clericos, ſed etiam laicos tam milites quam alterius conditionis, ut in ea relictis parentibus & propriis patrimoniis regulariter viverent, incitavit, attraxit & illexit, quorum quidam hoſpitalarii, ſive fratres hoſpitalis S. Joannis, alii fratres militiæ templi, alii fratres hoſpitalis Sanctæ Mariæ Teutonicorum in Hieruſalem nuncupantur. *Jacob de Vitriaco, cap.* 64. *Hiſt. Hieroſol.*

But in the Year 1313, the Order of Templars being aboliſhed, their Goods were given to the Hoſpitallers: Which is related at large by the Continuer of the Abbot *Urſpergenſis, pag.* 28.

CHAP.

CHAP. XXVIII.

ANother conſiderable means of Encreaſe, was a ſtrict Review made concerning the Buſineſs of Tythes, proceeding by Cenſures againſt thoſe who did not pay them, and compelling the Payment, not only of the predial Tythes, but of mixt Tythes alſo; that is to ſay, beſides thoſe of the Fruits of the Earth and of Cattle, Perſonal Tythes, which proceed from human Induſtry and Labour.

To this Enforcement of the Payment of Tythes, they added alſo the Firſt-fruits: Theſe were firſt inſtituted by *Alexander* II. in imitation of the Moſaick Law, which enjoin'd them to the *Jews*; but *Moſes* had not determin'd the *quantum*, but left it at large, to the pleaſure of thoſe who offer'd them. Since that, the *Rabbins*, as St. *Jerom* informs us, have determin'd, that theſe Oblations ſhould not be under a 60th Part, nor above a 40th; which is a Rule our Churchmen have follow'd in the moſt gainful Way, adjudging that to be the 40th Part only, which, in our days, is call'd the Fourth.

About the Year 1170, *Alexander* III. order'd Proceedings by Cenſures, to enforce the intire Payment of Tythes of Mills, Fiſheries, Hay, Wool (1), and Bees (2): And that the Tythes of every Thing ſhould be paid, before the Charges in gathering the

(1) Mandamus quatenus Parœcianos veſtros monere curetis, & ſi opus fuerit ſub excommunicationis diſtrictione compellere, ut de potentibus molendinarum, piſcaniarum, feno & lana decimas Eccleſiis quibus debentur cum integritate perſolvant. *Decret.* 3. *tit. de decimis*, &c. *cap.* 5.

(2) Mandamus quatenus parœcianos tuos de apibus, & de omni fructu decimas perſolvere eccleſiaſtica diſtrictione compellas. *Ibid. cap.* 6.

Fruits (3) ſhould be deducted. And in the Year 1195, *Celeſtin* III. decreed, under pain of Excommunications, the Payment of Tythes, not only of Wine, Grains, Fruits, Trees, Cattle, Gardens, Merchandiſes, Soldiers Pay, Hunting (4) and Wind-mills (5); all which are expreſs'd in the Decretals of the Popes: But the Canoniſts have gone much farther, affirming, that the Poor who beg about the Streets, are oblig'd to pay the 10th of all the Alms they get, and common Women likewiſe a part of their infamous Gain: with ſome other laudable Fruits of the ſame nature, but which have never yet obtain'd to be put in practice.

Tythes were aſſign'd to the Miniſters, in conſideration of the Services they perform'd in teaching the Word of GOD, and adminiſtring the Sacraments; ſince nothing elſe was paid them for theſe Functions: except where ſome devout and rich People would give ſometimes out of meer Bounty, for the burial of their Relations, or for

(3) Cum homines de Hortona de frugibus decimam eccleſiæ cujus parochiani ſunt ſine diminutione ſolvere teneantur, & antequam id faciant, mercenariis ſuis de frugibus, non decimatis debita totius anni, pro ſervitio ſuo impendant, tunc demum de reſiduo decimam perſolventes: Mandamus quatenus eos cogatis ut decimam ſtatim fructibus collectis perſolvant. *Ibid. cap.* 7.

(4) Revera ſicut ſancti Patres in ſuis tradiderunt ſcripturis, de vino, grano, fructibus arborum, pecoribus, hortis, negotiatione, de ipſa etiam militia de venatione decimæ ſunt, miniſtris Eccleſiæ tribuendæ, ita ut qui de his eas ſolvere neglexerint, eccleſiaſtica diſtrictione debeant percelli. Volumus ergo & diſtricte præcipimus quatenus decimas Eccleſiis cum integritate debita perſolvatis. *Ibid. cap.* 12.

(5) Quia fidelis homo de omnibus quæ licite poteſt acquirere decimas erogare tenetur: Mandamus quatenus H. militem ad ſolutionem decimarum de his quæ de molendino adventum proveniunt ſine diminutione aliqua compellatis. *Ib. cap.* 23.

Admini-

Adminiſtration of the Sacraments; which Generoſity, in time, turning into a Debt, and a Sum certain, created a diſpute; the Laicks refuſing to pay for the Adminiſtrations of the Sacraments, becauſe the Tythes they paid were deſign'd for that purpoſe, and the Miniſters refuſing to perform their Functions, if they had not what they pretended was their Due.

About the Year 1200, *Innocent* III. apply'd a Remedy to this Evil, firſt by forbidding the Prieſts to make any Bargain for performing their Miniſtry, or to refuſe officiating to thoſe who refus'd to pay: And then by providing, that after they had ſo officiated, the Laicks ſhould be compell'd by Cenſures, to keep up the laudable Cuſtom (for ſo it is term'd) of paying what was cuſtomary (6). In which, great difference was made betwixt forcing the People to comply with a Bargain, and a Compulſion by Cenſures after; the one being condem-

(6) Quidam laici laudabilem conſuetudinem erga ſanctam Eccleſiam introductam nituntur infringere. Quapropter pravas exactiones fieri prohibemus, & pias conſuetudines præcipimus obſervari: Statuentes ut libere conferantur, eccleſiaſtica ſacramenta, ſed per Epiſcopum loci, veritate cognita compeſcantur qui malitioſè nituntur laudabilem conſuetudinem immutare. *Decret. lib.* 5. *tit. de Simonia. cap. ad Apoſtolicam.*

This Conſtitution having been quoted in the Council of *Trent*, *John Maria del Monte*, firſt Legate, ſaid, It was doing great Injury to the Pope and the Council of *Lateran*, to believe ſo great an Abuſe was authoriz'd by them: And that who would read the Chapters preceding this, would find that the Council had condemn'd this Cuſtom. And that in the ſame Chapter he did not approve the Uſage of Gifts or Offerings at the Adminiſtration of the Sacraments, but only certain laudable Practices eſtabliſh'd in favour of the Churches, as Tythes, Firſt-fruits, Offerings at the Altar, *&c.* As *Bartholus* and *Giles de Roma* have interpreted it. *Fra. Paolo, lib.* 2. *Hiſt. Counc. of* Trent.

ned as Simoniacal, the other being juſtify'd as lawful (7).

(7) If therefore thoſe who ſerve at the Altar, after the Offices perform'd, have a Right to exact a Salary, and can employ ſpiritual Arms againſt thoſe who refuſe it; by the ſame Rule, when the People have paid the Temporalities which they ow'd the Church, they may maintain themſelves by Force, in the poſſeſſion of the Spiritualities, which it has endeavour'd to deprive them of; and ſay with the Maccabees, *Nos pugnabimus pro animabus noſtris, & legibus noſtris.* 1 Maccab. 3.

CHAP. XXIX.

ANother Novelty, contributing greatly to their Wealth, was introduced at this time. It had been prohibited by the ancient Canons, to accept any Donations or Legacies from divers kinds of publick Sinners, ſuch as ſacrilegious Perſons, Curtezans, and thoſe who were at variance with their own Brothers (*a*). But all theſe Difficulties were intirely remov'd, and all Gifts, from what hand ſoever they came, were indifferently receiv'd.

(*a*) Oblationes diſſidentium fratrum neque in ſacrario neque in gazophilacio recipiantur ſimiliter dona eorum qui pauperes opprimunt, a ſacerdotibus refutanda ſunt. *Canon* 93. *Concilii Carthag.* 4. *apud Gratian. diſt.* 90. *Can.* 2.

The Reaſon why theſe ſort of Offerings were not receiv'd, was, according to *Salmaſius*, Quia ex Canone 37. Codicis Eccleſiæ Africanæ liquet primitias in Altari offerri ſolitas & ſuam habuiſſe propriam benedictionem. Non igitur pium aut ſanctum viſum eſt Patribus antiquis, Deo rite conſecrari, & benedici quas a Peccatoribus offerrentur. Hinc Canon. 28. Concilii Illiberitani: Epiſcopum placuit ab eo, qui non communicat, munus accipere non debere. *Vide Mendozum in hunc locum.*

And

And it is even evident in practice, that the greateſt part of Legacies and Donations beſtow'd on the Church, are owing to the Bounty of infamous and publick Women (1), or of People who are gratifying that way their own particular Quarrels with their Relations.

The Popes ſet all their wits on work to facilitate and encourage theſe Acquiſitions, as well as to preſerve the power of diſpoſing them, as we have ſhew'd; which had with ſo much Toil and Blood been wreſted out of the Princes hands, and tranſfer'd into the Clergy's. To this the whole Eccleſiaſtical Order, induc'd by their own Intereſt, not only conſented, but concurr'd with their utmoſt Aſſiſtance in their Preachings and Writings, continually inculcating that the intermeddling at all in the Diſtribution of Benefices, and particularly in the Election of the Pope, had been the effect of Tyranny in Princes, and Uſurpation in the People. And in our days *Baronius*, throughout all his Annals, upon all occaſions, and with great earneſtneſs maintains, that for Princes to intereſt themſelves in the Election of Biſhops, and eſpecially of Popes, is an impious and tyrannical Uſurpation. Not conſidering, that the beſt Popes have all along been thoſe whom the Princes have made; and every time that the Eccleſiaſticks have had the Elections to themſelves, without any Lay mixture, infinite diſorders have enſued.

But that which is moſt obſervable is, that the Popes of the holieſt Lives, and Emperors whoſe Memories will be eternal, have recommended this Practice, and judged it neceſſary. Neither can it

(1) A *Venetian* Prieſt told me once pleaſantly, That the Whores left their Eſtates to the Church, that they might be allow'd to be Chriſtians.

now conſequently be cenſur'd, without caſting Reflections on the Memories of 24 Popes of the beſt Livers, and among others of St. *Gregory*, and without condemning the ancient Doctrines of the Councils and the Fathers.

CHAP. XXX.

IF the Churchmen had at firſt diſcern'd the Conſequence of attempting to take away the Inveſtitures from Princes, they would ſcarce have been drawn into ſuch an Innovation: But they thought to have found their own Intereſt in it, and a Means of being more Independent. Thus the firſt Uſage came to be renew'd, of beſtowing all the Benefices within their proper Dioceſſes, by Election of the Chapter and Collation of the Biſhop. The Pope likewiſe kept to this Rule, without pretending to any Donations out of the Dioceſs of *Rome*; except in caſe only where a Prelate, whom Devotion or Buſineſs had carry'd to *Rome*, and happen'd to die there (1); and that ſome Perſon of very eminent Merit, of the ſame Nation, were found in his Company or Retinue: Him the Pope immediately would name in place of the Deceas'd, and ſend him back with Letters of Condolance to the Dioceſs or Monaſtery on their Loſs, and Conſolation on the Perſon he had ſent to ſucceed. This found the eaſier Compliance in the Chapter or the Monaſtery, as it happen'd but very rarely, and as it paſs'd rather as a Favour from the Pope: Beſides that, there ap-

(1) Theſe Benefices were call'd *Vacantes in Curia*. See Article 35. of this Treatiſe, and Chap. 2. *de probandis in Sexto*.

pear'd

pear'd no room for Exception againſt a Man of Merit, and of the ſame Country.

But if the Pope had not fill'd up the Vacancy before the News of it came to the place, they waited no longer, but forthwith proceeded to Election according to Cuſtom: And in no other caſe did the Pope diſpoſe of any Benefices out of his Dioceſs.

In the mean time, as the See of *Rome* had merited ſo highly of the whole Clerical Order, in having with ſo many Labours, Dangers, and the Effuſion of ſo much Blood, purchas'd the ſole Diſpoſition of Benefices, to the total Excluſion of Prince and People, both which had, in their turns, been in poſſeſſion of that Right; the People firſt, when Benefices firſt began, and the Princes for a long time after: ſo the Biſhops held the Pope's Friendſhip in the eſteem it deſerv'd, and ſought to make him all the Returns in their power. And this encourag'd the Popes to deal with the Biſhops after the example of the Emperors, and to recommend a Clergyman now and then to be provided with a ſuitable Benefice.

At firſt theſe ſorts of Requeſts gave great Alarms to Princes, who plainly ſaw, by this means, a Gate open'd to introduce Strangers into the Benefices of their Dominions: yet they met with all the Compliance that could be expected from the Biſhops, who being big with nothing ſo much as the Deſign of excluding the Princes, were not aware, that in depriving them, any other Power could ſtep in betwixt themſelves and the Collation of the Benefices. And yet the Profits which the Court of *Rome* drew from theſe ſort of Recommendations, in the Preſents which were made to obtain them, and from the Bulls which were made on theſe Occaſions; ſo multiply'd theſe Prayers and Recommendations, and brought them on ſo thick, that the Biſhops became

depriv'd almoſt of all their Collations (2), which oblig'd them, ſometimes, to refuſe their Compliance.

But the Popes found a Remedy for this too, by adding Commands to their Requeſts, which indeed enforc'd Obedience at firſt; but becoming alſo too frequent, the Biſhops, at laſt, loſt all patience, and without having any regard to Commands, or the Cenſures contain'd in them, or without obſerving any farther Meaſures, beſtow'd the Benefices as they thought moſt agreeable for their own, and their Church's Intereſt: And then the Pope found it requiſite to appear contented, and to pardon them for that time, as for a thing already done, for which there was now no remedy.

But the Channel which this Corruption had found, would eaſily have been ſtopp'd, if this Court had not thought of a farther Expedient ſtill, which was, to accompany theſe Prayers and theſe Commands with ſome Perſon who was ſent to ſee them put in execution, and to confer the Benefice, if the Biſhop did not, as well as to puniſh him for his Diſobedience. Yet the Popes came but ſlowly to theſe extremities, and when the Contumacy of the Biſhop made it neceſſary. But in the end, to ſhorten the Proceeding, they expedited the Prayer, the Command, and the Execution of them, all at once.

(2) They deſerv'd it well for having abandon'd the Intereſt of their Princes, and eſpous'd a foreign Power: The Popes had humbled the Emperors before, in taking from them the Right of Inveſtitures, and it was but reaſonable that the Biſhops, who had join'd with the Popes in it, ſhould have their turn in being mortify'd.

This

This gave the Church and the Biſhops an unſpeakable Vexation (3); and the Princes and Nations where theſe things were acted, complain'd loudly, not only that their Rights were taken away, but that the Benefices, which by long Preſcription had been given only to Natives of the Country, by this means fell all into the hands of Strangers (*a*), who reſided at the Court of *Rome*. Which had often this conſequence, that Biſhops and Pariſh-Prieſts were made, who underſtood not the Language of their Auditors, and which they were very unapt to learn, being ſo different from their own; many *Italians*, for inſtance, being benefic'd in *England*.

At length the Evil grew ſo notorious, that the Pope was oblig'd to take notice of it, and to forbid

(3) They complain'd (ſaith *Mezeray* in the Life of *Phil. Auguſtus*) that the Popes depriv'd them of a great part of their Authority, which belong'd to them as Succeſſors to the Apoſtles, by taking to their own Tribunal the Knowledge of all Cauſes, leaving almoſt nothing to the firſt Cognizance of the Biſhops; by granting Diſpenſations of the holy Canons, as if all Eccleſiaſtical Diſcipline depended meerly on their abſolute Pleaſure: By granting Exemptions to Inferiors, thereby to draw them from the obedience to their Superiors; and by their engroſſing to themſelves the greateſt part of the Benefices.

(*a*) Beneficiorum Eccleſiaſticorum peculia manus occupant indignorum, & nonnunquam exterorum & plerumque dignitates & beneficia notabiliora perſonis conferuntur incognitis & non probatis, quæ in iiſdem beneficiis non reſident, ſicque vultus ſibi commiſſi gregis non agnoſcunt, linguam aliquando non intelligunt: Quinimo animarum cura neglecta velut mercenarii ſolummodò temporalia lucra quærunt. *Procmii Pragmaticæ Sanct. pag.* 34.

Panormus, *tho' an* Italian, *complains thus of the Abuſe*, Eſſet, *ſaith he*, valde honeſtum & fructuoſum, ut quiſque in patria ſua beneficiaretur, ut ſic unus non occuparetur beneficia vel ſtipendia alterius, nec daretur materia depauperandi beneficia, & quia inducuntur facilius ad reſidentiam tales indigenæ quam extranei. *Cap. ad Decorem, de Inſtitution.*

any

any one to poſſeſs a Benefice, and eſpecially a Pariſh-Prieſt, who underſtood not the Language of the Country: But then reſerving to themſelves that invaluable Power of Diſpenſation, their Prohibitions had no other effect, than inſtead of curing theſe Diſorders, to raiſe the Prices of committing them, to the manifeſt profit of the Court of *Rome*, which was always ready to grant Expectatives of Reverſions to Foreigners and Strangers, and after that a Brief of Diſpenſation.

But whatever Scandal this Exorbitancy of Power in the Court gave to good Men, it was, however, very agreeable to many of the Clergy, and others, Suiters and Candidates for Benefices, who lay fetter'd under ſome Canonical Impediments, which made them incapable. No Biſhop durſt prefer Men under theſe ſort of Marks, with-held by a juſt Reſpect for the Canons: But what was too ſcandalous for Biſhops, the Pope took upon him without any ſcruple, by virtue of that diſpenſing Power, which could admit of no Stain, which he apply'd to the diſſolving all the Canons and Eccleſiaſtical Conſtitutions by a certain Formula, *De Plenitudine Poteſtatis*, and the Clauſe *Non obſtantibus*; Phraſes unknown and unheard of in ſo many foregoing Ages, but which are now the Stile of every beneficiary Bull. Nay, on the contrary, Popes in the beſt Times, and in the ſtricter Ages of Piety, valu'd themſelves on a ſtricter Obſervation of the Canons, which related to the Diſtribution of Benefices in the Dioceſs of *Rome*, than any other Biſhop's. And we find St. *Leo* and his Succeſſors placed one of their chiefeſt Glories in the punctual Execution of the Canons, firſt as to their own parts, and then in exacting it from others. Nor let it be anſwer'd, that theſe had leſs Authority; ſure we are, they had a larger ſhare of Virtue and Wiſdom, which made them Cowards

in

in every Action that was not allowable to others: whereas, ſince thoſe days, every thing ſeems privileg'd at *Rome*, which no body dar'd to do any where elſe.

St. *Bernard*, who liv'd about the time when theſe Novelties were introduc'd, tho' they had not then prevail'd ſo far as they have done ſince, reproves them ſharply. Writing to *Eugene* III. he laments that *Rome* was the common Rendevouz for the Ambitious Man, the Covetous, the Sacrilegious, the Adulterer, and the Inceſtuous, who all reſorted thither in purſuit of Benefices (*b*), and where they met with a Reception they could have no where elſe; no place, but *Rome* alone, putting a Sanction upon Things illicite and illegal, and which had always been ſo reputed, giving them a Paſſport through the World.

The Popes themſelves could not deny the Grievance, which the granting Expectatives was to the Churches: *Gregory* IX. *Cap. Mandatum de Reſcript.* openly avows it, and on this occaſion therefore, he qualify'd theſe Expectatives, by inſerting this Clauſe, *viz. If we have not already writ for another* (*c*);

(*b*) Nec mihi opponas nunc Apoſtoli vocem qua ait, cum eſſem liber, ex omnibus omnium ſervum me feci: Longe eſt iſtud a te, nunquid hac ille ſervitute hominibus inſerviebat in acquiſitione turpis queſtus? Nunquid ad eum de toto orbe confluebant ambitioſi, avari, ſimoniaci, ſacrilegi, concubinarii, inceſtuoſi, & quæque iſtiuſmodi monſtra hominum, ut ipſius Apoſtolica authoritate vel obtinerent honores Eccleſiaſticos vel retinerent? Ergo ſervum te fecit homo, cui vivere Chriſtus erat & mori lucrum, ut plures lucri faceret Chriſto, non ut lucra augeret avaritiæ. *Cap.* 4. *Lib.* 1. *Conſider. ad Eugenium.*

(*c*) Mandatum Apoſtolicum ad te directum ut magiſtrum S. faceres in Canonicum recipi, & in fratrem Novienſ. Eccleſiæ; ſi pro alio ibidem non ſcripſimus, qui hujuſmodi gratiam proſequatur, alio jam beneficium per noſtras literas obtinente, proſequi non teneris, nam ſuper receptione duorum, gravandi Eccleſiam non fuit intentio mandatoris. *Decret. lib.* 1. *tit.* 3.

which

which was a way of fixing a Cuſtom as a Right, that every Pope might grant one Expectative in every Church, and no more.

And ſince that, they have brought it into a cuſtom alſo, at their entrance into the Popedom, to revoke the Expectatives granted by their Predeceſſors, either to make room for their own, or to oblige thoſe who had them before, to purchaſe them over again. And ſometimes alſo they revok'd thoſe which themſelves had granted, to oblige the Grantees to the expence of new Bulls to confirm their Title.

As for elective Benefices, ſuch as Biſhopricks and Abbies, there they granted no Expectatives in thoſe Caſes, there being no examples or precedents of Princes having ever granted any. But the Court of *Rome* found out other expedients to draw to themſelves the Collations of theſe Prelatures, in preſcribing many Conditions which were to be obſerv'd before Election, and others during the Election itſelf; beſides divers qualifications requir'd in the Perſon elected himſelf*: And if the Electors fail'd in any of theſe Conditions, they were for that time depriv'd of the Right of Election, and ſo it lapſed to the See of *Rome*.

And then as difficulties would often ariſe concerning the validity of Elections, from the variety of intereſts in the Electors, or from other Cauſes, one of the Parties would appeal to *Rome*, and ſo occaſion would very often be taken to judge them both in the wrong. The Election being thus vacated, was another means of making the Collation

* Vide *Cap.* 25. de electione & electi Poteſtate.

of

of the Biſhoprick or Abby lapſe alſo to this Court (*d*).

Laſtly, when the Pope underſtood there was a good Biſhoprick or Abby vacant, he immediately diſpatch'd an Injunction not to proceed to Election without his knowledge; and ſo under the ſpecious Care of preventing or remedying any Diſorders that might happen, he ſent ſome Man of Addreſs to aſſiſt and preſide at the Election, who, by divers Arts and Cabals, procur'd it to fall upon him, whom the Court of *Rome* thought moſt in their Intereſts.

(*d*) Vix enim remanſit aliquis Epiſcopatus, ſive dignitas Eccleſiaſtica, vel etiam Parochialis Eccleſia, quæ non fieret litigioſa & Romam deduceretur ipſa cauſa. Sed non manu & vacua lætare ſuper iniquitatem filiorum hominum, quoniam in recompenſationem tantorum malorum datur tibi pretium. *Abbas Urſpergenſis in Philippo.*

The new Law or Doctrine (ſaith *Mezeray*, in the Life of *Philip Auguſtus*) having perverted all the ancient Canons, and reduced all Elections to the Tricks and Subtleties of the Law, as there often happen'd Conteſts, what with Intrigues among the Electors, and Difficulties ſtarted upon the Judgement of the Metropolitan, one of the two Parties never fail'd to appeal to *Rome*; which was an inextricable Labyrinth of Proceedings: And for want of ſome Form in the Election, the Pope declar'd it null, and reſerv'd to himſelf the Right of providing for the Biſhoprick.

CHAP.

CHAP. XXXI.

THUS by the foregoing Accounts it appears, that few Elections to Biſhopricks or Abbies were made, which fell not under Conſideration at *Rome*, ſo that the Pope came to intermeddle, almoſt in all Elections, after they were over, under the Mask of an honeſt Concern for the publick Intereſt: and in that the Electors oftentimes fail'd in ſome Points of their Duty, it ſeem'd a favourable Opportunity to afford his Aſſiſtance in Elections, even before-hand; commanding, when he ſaw cauſe, either that the Electors ſhould not go to Election till they had his Leave, or not to elect without the Concurrence of ſome Perſons ſent by him, to attend it; ſo that by divers Contrivances they ſtill aſſum'd ſome ſhare in the Elections.

And yet theſe Methods, which were differently put in practice, according to the Exigency of the Caſe, had not the force of a Law, but rather of Cuſtom and Decency, until the Year 1227, when *Gregory* IX. following the examples of *Theodoſius* and *Juſtinian*, the former having form'd the Conſtitution of the Empire, by collecting his own Ordinances, and thoſe of his Predeceſſors into one Volume, which was afterwards call'd the *Theodoſian* Code; the latter having accommodated likewiſe the ancient Laws to the Uſage of his Times, and reduced into one Body the Decrees of his Predeceſſors, under the Name of the *Juſtinian* Code; after their manner form'd a Policy or Conſtitution of his own, collecting into one Body all the Deciſions, and all the Cauſes which ſerv'd to advance the Papal Power; and extending that to general Uſage, which had been ſettled in one particular place, and perhaps in one caſe only, and aboliſhing and deſtroying all the reſt, which made againſt it.

This

This Book was call'd, *The Decretals of* Gregory IX. (*a*), who thereby laid the deepeſt Foundation of the Papal Monarchy, eſpecially in what concerns Benefices: But it muſt be allow'd, that this Book is much more edifying in the ſkilful managing of a Law-ſuit, than in the Salvation of Souls.

Gratian, as well as the other old Collectors of the Canons, made a Collection of all he thought might moſt contribute to the aggrandizing the Papal Authority, even to the changing, vitiating, and even falſifying the places from whence he drew the Deciſions (1): By which means he thought he had done his utmoſt to wind up this Power to the higheſt pitch it could poſſibly bear: and according to the ſtate of thoſe Times, he was not miſtaken; but a Change of Circumſtances in Affairs, made this compilation no longer ſeaſonable: And ſo to this Decree or *Decretum* (2) of *Gratian*, which was

(*a*) It was compil'd by his Penitentiary *Raymond de Penafort*, a Dominican, whence it came to be call'd alſo, *The Compilation of* Raymond: It is alſo call'd *Extra*, becauſe it is ſeparated from the Decree compil'd by *Gratian*; and alſo, the *Pentateuch*, becauſe it contains five Books, diſtinguiſh'd in this Diſtich,

Index, Judicium, Clerus, Sponſalia, Crimen.
Hæc tibi deſignant, quid quæque volumina ſignant.

It began to be in uſe in the Year 1231. *Gregory* IX. was Nephew to *Innocent* III. and both of the noble Houſe of *Conti*, at this day one of the four, who have the Title of *Roman* Barons.

(1) A *French* Lawyer ſaith, that the Decretum and the Decretals *ſunt Compilationes ac Farragines tum bonarum tum pravarum rerum incondité & imperité coacervatæ.* Gentillet. ex Concil. Trid. lib. 5.

(2) Which was approv'd and publiſh'd by Pope *Eugene* III. in 1151, and according to ſome Authorities only under the Pontificate of *Alexander* III. *Gratianum Compilatorem Decreti Alexandri* III. *Pontificis temporibus quidam aſcribunt*, ſaith *Platina* in the Life of *Innoc.* III. to whom others attribute the Publication of the Decree; as *Platina* alſo obſerves in the ſame Place.

call'd

5

call'd after him, ſucceeded the Decretals; but neither of which in proceſs of time grew to ſignify much: The Popes, as they grew in Authority, eſtabliſhing ſtill new Orders and Regulations; ſo that neither the *Decretum*, the Decretal, nor the *Sextus* (3), were any longer of uſe as to Benefices, but other Rules and Methods came in requeſt, as will appear hereafter.

(3) It is a Book ſo call'd, becauſe it is a Supplement to the five Books of Decretals. It was publiſh'd by *Boniface* III. in 1298. from whence it is call'd, *Codex Bonifacianus*.

CHAP. XXXII.

THE large Opportunities which the Court of *Rome* had in their hands of obliging, by the diſpoſal of ſo many Benefices, drew neceſſarily thither a Concourſe of the Clergy of all ſorts; thoſe who had no Benefices, in order to obtain them; and thoſe who had already, to get them chang'd for better: Which was another Reaſon added to the former, why ſo many Reſidentiaries reſided not upon the Place. And the Court not being any longer able to pretend Ignorance of ſo loud and general a Complaint which every Dioceſs made, That the Churches were abandoned, and left without Government; and of which they laid the blame in the right place; a Reſolution was taken to apply ſome Remedy.

But the Popes of that Age thought it not adviſeable to proceed by Puniſhment, as had been heretofore practis'd; whether it were that the Guilt was grown too general, or that the Court of *Rome* muſt

muſt have been deſerted by ſo ſevere a Remedy, as that of ſending ſo much Company out of *Rome*: To which another Conſequence might be added, that People would generally have choſen rather to have made their Court to their own Biſhop for Benefices, than to lay out their Money at *Rome*, in Expectatives or Reverſions. An Expedient was therefore found, to make a Law to enjoin Reſidence to ſuch certain Beneficiaries [who were under ſo unlucky a Planet] as to have little Intereſt at Court: And ſo theſe ſtood condemn'd to ſtay at home, without making any mention of the reſt (1), who therefore fell not within this Rule. Thus in the Year 1179, *Alexander* III. order'd Reſidence to all Beneficiaries that had Cures of Souls *; to whom afterwards were added and taken into the number, all who had Dignity, Adminiſtration, or Canonry.

As for other inferior Beneficiaries, it was never affirm'd that they were not oblig'd to Reſidence, but neither was it commanded them, and ſo by degrees they began to think it not incumbent on them. Hence grew the Diſtinction betwixt Benefices that oblige to Reſidence, and others call'd ſimple Benefices, which oblige to none. Afterwards the Doctors declar'd, that in ſtrictneſs, and of right, all Benefices oblige to Reſidence; as indeed they cannot ſay otherways, without giving the lye to all Antiquity; but that long Cuſtom only hath excepted ſimple Benefices.

According to the Signification of that common Maxim, *Beneficium datur propter Officium*, ſimple Be-

(1) Silence in this Caſe, ſaith *Fra. Paolo*, they believ'd exempted them from Reſidence; and the Popes were willing it ſhould be ſo underſtood, in the hopes that the voluntary Ignorance of theſe Beneficiaries ſhould turn to their temporal Greatneſs. *Lib.* 2. *Hiſt. of Conc. of* Trent.

* Vide *cap.* 4, & 6. Extra de Clericis non reſidentibus.

nefices muſt ſeem an uſeleſs Station in the Church; ſince thoſe who were abſolv'd from Reſidence, ſeem to have no Buſineſs left. But here they have been forc'd to take in Aid, a meer Equivocation: For the *Horæ Canonicales*, which before were celebrated in the Church by all the Congregation, and which ſome Perſons afterwards took the liberty to perform privately, began about the Year 800 to be call'd *Officium Divinum (a)*. And this Office or Service being by all Believers perform'd either in publick or private, they ſaved the Appearances of this Propoſition, *Beneficium datur propter Officium*; as if repeating Divine Service were all that were underſtood by it; when in truth, ſerving the Faithful, in reſiding at the Churches, and exerciſing the Miniſtry in all Chriſtian Offices, as was done of old, is in truth that *Officium*, for which the *Beneficium* is intended (2).

The

(*a*) Presbyter mane matutinali officio expleto, penſum ſervitutis ſuæ canendo, primam, tertiam, ſextam, nonamque perſolvat, ita tamen ut poſtea horis competentibus juxta poſſibilitatem, aut a ſe, aut a ſcholaribus, publice compleantur.

Theſe are the Words of *Regino*, Author of the 10th Age, *chap.* 208. *lib.* 1. of his Collection. As for the Office of the holy Virgin, *Gaufridus Veſtenſis* ſaith, they were not ordered till the Year 1095.

Anno Dom. 1095, Urbanus Papa in Gallias veniens, Gregorii Papæ decreta renovat & confirmat —— Claromonte in Arvernia Concilium celebrat, menſe Novembri hoc anno ſequenti, in quo ſtatutum eſt, ut horæ beatæ Mariæ quotidie dicantur, officiumque ejus diebus Sabbati fiat. *In Chronico, cap.* 27.

(2) In the primitive Times, ſaith *Fra. Paolo*, the Eccleſiaſtical Degrees were not Dignities nor Honours, as they have been for ſome Ages, but Charges and Miniſtries, which St. *Paul* calls Labours and Functions, and Jeſus calls Labourers, [Opus fac Evangeliſtæ, miniſterium tuum imple, 2 *Tim.* 4. Siquis Epiſcopatum deſiderat, bonum opus deſiderat, 1 *Tim.* 3. Meſſis quidem multa, operarii quidem pauci, *Matth.* 9. & *Luke* 10.] So that in thoſe Days

The Conſciences of many Beneficiaries being thus ſecured from any Scruple, in abſenting from their Churches, it was alſo thought neceſſary to find an Expedient, even for ſome of thoſe Beneficiaries who were oblig'd to Reſidence, to ſtay at *Rome*, when there was Occaſion, without breaking the Laws.

Days none could have the Thought of abſenting; and if any one did, he could neither keep the Title nor the Profits. ——Beſides, none took an Employment which hinder'd the Functions of his Miniſtry——— And it is only ſince the Year 700, that they began to appropriate the Title and Profits of a Cure, upon occaſion of the Changes which happen'd in the Weſtern Churches, where Eccleſiaſtical Miniſteries degenerated into Dignities, Honours, and even into Rewards for Services. And whereas before, they called none to the Miniſtry, but ſuch as were proper to officiate, it became afterwards a Cuſtom to give the Dignities of the Church according to the Quality of the Perſon: Whence came the Abuſe of doing the Duty by a Deputy; and that produced another Abuſe, which was to think one's ſelf diſpenſed with, not only from officiating in Perſon, but even from being preſent, and to rely on his Subſtitute. And the Diſtemper had grown ſo great, as to have endanger'd the very Clerical Order being deſtroy'd, if the Popes had not commanded the Biſhops and Curates, tho' they acted by Deputies, to reſide upon the Place, which is call'd Reſidence; to which the Canons were alſo oblig'd, without ſpeaking of any other Beneficiaries: From thence came the deteſtable Diſtinction of Benefices of Reſidence and Non-reſidence; which is authoriz'd both by the Doctrine maintain'd and the Practice. And yet there cannot be a more manifeſt Abſurdity, than to have a Title and a Salary, without being oblig'd to do any thing for it.

But to palliate this, the Canoniſts have ſaid, That the *Axiom, Beneficium datur propter Officium*, which condemns Non-reſidence, ſignifies only, That the Benefice is given for ſaying Divine Service only; ſo that when the Church yields a Revenue of ten thouſand Crowns and more, 'tis only that the Beneficiary may ſay the Breviary very low, without thinking of any thing, more than running over the Words. *Hiſt. Counc. of* Trent. *lib.* 2.

For this end *Honorius* III. about the Year 1220, declar'd, that whoever was in the Pope's ſervice, ſhould not be oblig'd to reſide (3): So then there wanted but one Expedient more, by which all thoſe who had rich Benefices, with a Cure of Souls, might be ſet at liberty, and exempted from Reſidence. Neither did this Expedient fail likewiſe; for it being an ordinary Practice for a Curate, when he had a lawful Impediment, to appoint a Vicar to ſerve in his room, allowing him a competent Stipend; it was thence determin'd, that with the Pope's Authority the Curate might create a perpetual Vicar (4), ſettling a reaſonable Allowance upon him; and oblige him to Reſidence, tho' the Curate remain'd unconfin'd, and retain'd the beſt part of the Income to himſelf: So that, by this means, in effect, his Share became a ſimple Benefice; and the Vicar's Share became a Proviſion for the Curate.

And as giving a Benefice for any other Conſideration than for the ſake of the Office, (by which was underſtood officiating in Perſon) was unknown to the ancient Church, ſo two Offices were never aſſign'd to one Man; both becauſe of the Impoſſibility of performing them in two Places, and that

(3) Mandamus quatenus non obſtante conſtitutione quæ contra abſentes Canonicos inter vos (*he ſpeaks of the Chapter of* Metz) dicitur emanaſſe, fructus præbendæ ſuas aſſignetis Mag. Ottoni, in noſtro ſervitio commoranti; cum familiares noſtri qui circa nos ſe obſequiales exhibent univerſi, minori non debeant prærogativa gaudere, quam veſtrum ſinguli, quorum negotia per ſe-ipſos ſæpius promoventur.

(4) It appears by ſeveral Paſſages in the Hiſtory of *Mat. Paris*, that Vicarages became in uſe throughout *England* ſome time before the Council of *Lateran*, under *Alexander* III. And for that Reaſon, the firſt three Chapters *Extra de Officio Vicarii*, are addreſs'd to the Biſhops of *England*. See Mr. *Pithon*, *ad cap.* 1. *extra de Officio Vicarii*, and *Thomas Walſingham. pag.* 275.

the

the performing one well, was always reputed by theſe Holy Men a Task ſufficient: Beſides that there are many Canons which refer to ancient Statutes, by which a Clerk cannot be ordain'd to two Titles, nor ſerve in two Churches (*a*).

(*a*) Et in illo titulo perſeverent, ad quam conſecrati ſunt, ita ut nullum de alterius titulo presbyterum aut diaconum ſuſcipere præſumat. *Conc. Calchutenſe, an.* 787. *cap.* 6. *Conc. Renenſe, an.* 813. *cap.* 20. *Conc. Metenſe, an.* 888. *Can.* 3. *Canon.* 2. §. 1. *diſtinct.* 70. *ex concilio Urbani* II. *habito Placentiæ, an.* 1095. *& Can.* 1. *Cauſ.* 21. *q.* 1. *ex 7ma Synod. cap.* 15. *an.* 787. *Even among the Heathens, the Prieſts were oblig'd to Reſidence,* Quoſdam exilia, *ſaith* Seneca, quoſdam ſacerdotia uno loco tenent de tranquilitate vitæ. Viſus eſt ſibi quis, *ſaith another Pagan,* ad firmamentum templi Neptuni catena alligatus eſſe; factus eſt ſacerdos Neptuni; oportebat enim ipſum inſeparabilem eſſe ſacerdotem. *Artemidor. lib.* 5. *de ſomniorum eventibus, Somnio* 1. *Vide Ulpianum in leg.* 2. *ff. de in jus vocando. & leg. pen. ff. de vacat. & excuſat. muner.*

CHAP. XXXIII.

IN the Times when the Diſtinction began betwixt Benefices which oblig'd to Reſidence, and the other call'd ſimple Benefices, which oblig'd to none, another Doctrine was ſet on foot; That of ſuch Benefices as did not oblige to officiate in perſon, it was lawful to hold more than one*: Whence aroſe the Diſtinction of Benefices, compatible and incompatible. Thoſe which oblige to Reſidence, are certainly incompatible with one another, ſeeing a Man cannot divide himſelf into two Places; but

* Vide caput dudum 54. extra de electione & ibi gloſſ. & Garciam de Benef. parte undecima, *cap.* 5. §. 2, & 3.

ſimple Benefices, ſeeing they require not perſonal Service, are compatible and conſiſtent with one another, and with other Benefices too.

At firſt they proceeded on this Head with much Caution, contenting themſelves with ſaying, that in caſe a Benefice were not ſufficient to maintain the Incumbent, he might have another which was compatible; but they never had the hardineſs to carry it ſo far as to a third, or even to two Benefices, if the firſt were ſufficient.

The Biſhop's Authority never went farther than this; but as for the Pope, it was allow'd he might confer more than two Benefices on the ſame Perſon, when the two were not ſufficient to maintain him (1). But then this Sufficiency or Competency, was carved out by the Canoniſts with ſo liberal a Hand *,

(1) The Author gives this Account of the Original of Plurality of Benefices, *in lib.* 2. *Counc. of* Trent. Seeing, ſaith he, the ancient Canons were ſtill in force, a Clerk could not have two Titles, nor conſequently two Benefices. But the Revenues happening to be diminiſh'd, either by Calamities of War or Inundations, they gave the Benefice to ſome Clerk who had one already, provided he could officiate them both Which was practis'd after, not in favour of the Incumbent, but of the Church, where its own Revenue would not maintain a particular Miniſter to itſelf, that it might not want Divine-Service. But under colour that one Benefice afforded not a ſufficient Subſiſtence, and none would undertake it, they found the way of giving ſeveral Benefices to one Man, tho' it were not neceſſary for the Service of the Churches: And ſo, by little and little, they took off the Mask, by doing that in favour of the Incumbent, which at firſt was done in Conſideration of the Church only. And ſeeing the World was ſcandaliz'd at this Novelty, the beſt Colour was given to it, that could be, by adding to the diſtinction already made of Benefices of Reſidence and Non-reſidence, another of Benefices compatible and incompatible. By incompatible with one another, they underſtood Benefices of Reſidence, and by compatible, thoſe of Non-reſidence; which may be held with one another, and with other Benefices too.

* Gloſſa ad Can. Clericus, 1. Cauſ. 21. q. 1.

that

that the Neceſſities of Life were very large; which, ſay they, as to ſimple Prieſts, include whatever is neceſſary, not only for the Maintenance of their own Perſons, but alſo of their Families, their Relations, three Servants and a Horſe; as alſo for Hoſpitality and entertaining Strangers (2). Then if the Beneficiary be a Gentleman, or a Man of Learning (*a*), they allow him over and above this, all that is proper for his Quality. And what they ſay of a Biſhop's Allowance is amazing (3): As for Cardinals, nothing can be ſurprizing that is ſaid of them, when one conſiders the * Stile of the Court of *Rome*, *Regibus æquiparantur* (4).

(2) If this were ſo, there would be at this day more Prieſts than Laicks; and Princes would be no more than the Portmanteau's of the Popes. But all the Canoniſts are not of this Mind. *Vide Gomez de Expect. Num.* 107. *Flamin. Paris de reſign. benef. lib.* 5. *q.* 6. *Num.* 131. *Azor. p.* 2. *lib.* 6. *cap.* 10. *q.* 8, & 9. *Menoch. de Arbitrar. lib.* 2. *caſu* 216. *Navar. Miſcellan.* 62. *de Orat. & Gloſſ. ad cap.* 5. *extra de peculio Clericorum.*

(*a*) Vide caput de multa 28. in fine, extra de Præbendis.

(3) It is more ſurprizing, to ſee the ſmall Regard the Court of *Rome* hath for the *Italian* Biſhops of the Eccleſiaſtical State, who not only keep ſtanding before Cardinals, but think it no Diſhonour to ſerve them at the Table: With which the Biſhop of five Churches reproacheth the Biſhop of *Rieti* in full Congregation. [*Fra. Paolo, lib.* 6. *Hiſt. Counc. of* Trent.] Beſides that, their Biſhopricks are ſo loaded with Penſions, that they would think themſelves very happy, if the Popes would aſſign them a ſufficient Livelihood, and make that the Rule, as the Canoniſts do to ſimple Prieſts.

* Vide Nicol. de Clemangis de corrupto Eccleſiæ ſtatu, *cap.* 11. & Pet. de Aliaco de reform. capitis, ſeu ſtatus Papalis, & ſuæ Rom. Curiæ & Cardinalium.

(4) Whence they conclude, ſaith he, *ibid.* That no Revenue is too great for them, that is not ſuperabounding for Kings themſelves. And 'tis for this Reaſon, that Popes have granted them the Privilege of having *Os apertum ad omnia beneficia, viz.* of being capable of holding all Sorts of Benefices, either Secular or Regular.

But indeed there is nothing in all this, that exceeds the ordinary Terms of ſpeaking on this Subject, ſeeing it is the Tenet of every Canoniſt, that the Pope can grant Diſpenſations for the holding as many Benefices as he pleaſeth: And in effect, Diſpenſations were grown to ſuch a height, that *John* XXII. (5) revok'd them all, reſtraining the Diſpenſations to two Benefices only (*a*). But then his reſerving to himſelf the Diſpoſal of all the other Benefices, as ſhall be ſhewn when we come to ſpeak of Reſervations *, gave ground for the Belief, that he made that order for his own profit, and not for the ſake of reforming the Abuſe: eſpecially conſidering withal the character of this Pope, who had a particular Talent in all the ſubtile ways of improving his Revenues. And the Event made it good; for the Church relapſed into the ſame Diſtemper of Pluralities, more fatal, and with more violence than ever; which we ſee continued to this day, in the Practice of Diſpenſations, with ſuch a looſe to Avarice, as exceeds all Bounds.

All the Canoniſts and Caſuiſts agree, that Diſpenſations ought to be granted only for lawful Cauſes, and that the Pope ſins who grants them for any other: But they have not decided, whether he

(5) *James Doſſa*, of the Dioceſs of *Cahors* in *France*, Son of a poor Cobler.

(*a*) Nos omnes & ſingulas diſpenſationes ſuper receptione, aut retentione plurium dignitatum, aut beneficiorum, &c. quibus cura animarum ſit annexa ——cuicunque perſonæ conceſſas, (Cardinalibus tamen exceptis) duximus taliter moderandas, quod per moderamen noſtrum effrenatum talium beneficiorum multitudinem refrenemus. Statuimus itaque quod obtinentes pluralitatem hujuſmodi beneficiorum—— unum tantum ex beneficiis, quibus cura imminet animarum cum beneficio ſine cura, quod habere maluerint, poſſent licite retinere. *Extravagant. Tit. de præbendis cap. execrabilis.*

* See the Article 37, and the Note 3.

who

who makes uſe of ſuch Grant, as is made without lawful Cauſe, ſtands acquitted from all Guilt *.

Some ſay, the Diſpenſation is good before GOD and Men; others, that it ſerves to avoid the Penalties of the Canon-Laws, but that in Conſcience, and before GOD, it is of no validity: And to this Opinion, the greater Number of the beſt and moſt devout People adhere (*b*). But the other is more agreeable

* Vide Gloſſam ad cap. propoſuit 4. extra de conceſſ. præbendæ verb. ſupra jus.

(*b*) D. Bernard Ep. 7. ad Adam Monachum. Nunquid ideo, *ſaith he*, aut malum eſſe deſiit, aut minora tum eſt, quia Papa conceſſit? quis vero malum eſſe neget, aſſenſum præbere malo? *Idem lib.* 3. *de Conſiderat. cap.* 4. *&* *ep.* 271. *ad Theobald. Com. Campaniæ.*

Langius in Chronico Citizenſi, anno 1044. *&* *Rebuff. in praxi benef. tit. de diſpenſ. Num.* 57. A Biſhop giving his Opinion in the Council of *Trent*, upon Diſpenſations, ſaid, That the Council ought to declare, that there ought to be a lawful Cauſe of Diſpenſation, and that who grants it otherwiſe, ſins, and cannot be abſolv'd without revoking it: And that he who accepts, and makes uſe of the Diſpenſation, ſo far from being faultleſs, lives in continual Sin as long as he makes uſe of it. To which others replied, That in truth, he who grants it without lawful Cauſe, ſins, but that however, the Diſpenſation holds good; ſo that the Conſcience of him that obtains it, is untouch'd, tho' he knows that the Cauſe is not lawful. *Frà. Paolò lib.* 2. *Hiſt. Conc. Trent.*

A *Dominican*, one *Hadrian Valentine*, had the Courage to ſay, That the Pope being above all human Laws, had full Power to diſpenſe with them, and that even tho' he ſhould grant a Diſpenſation without Cauſe, it ought ſtill to be deem'd valid: And that he can alſo diſpenſe with Divine Laws, provided there were a lawful Cauſe. He afterwards adds, That tho' Diſpenſation of a Divine Law, granted without good Cauſe, were not valid, yet whatever the Diſpenſation were, every one ought to captivate his Underſtanding, and believe that there was a lawful Cauſe.

In the ſame Hiſtory, *lib.* 7. *John de Verdun*, a *French Benedictine*, is quite of a different Opinion: Human Laws, ſaith he, are ſubject to Diſpenſation, becauſe of the Imperfection of the Legiſlator, who cannot foreſee all the particular Caſes which may call for an Exception: But where God is the Legiſlator, the

agreeable to the Court of *Rome*, who love not to have the Law given them, or that any Rules ſhould be preſcrib'd to the Papal Authority, eſpecially in the Matter of Benefices. For ſome among them hold, tho' warmly oppoſed by others of the ſame Profeſſion, That the Pope may grant Diſpenſations for holding ſeveral Benefices with Cure of Souls *. Yet the Court of *Rome* hath not taken much advantage of this Doctrine, ſeeing it hath found out other ways of giving ſeveral Benefices under one Name, and in ſuch manner, that they ſhould look like one Benefice. One of theſe ways is the Union, the other the *Commendam*; both the Product of the Times we have above mention'd, and of which it is now proper to treat.

the Law is without Fault, becauſe nothing can be hid from his Knowledge.

It is not therefore, that he who diſpenſeth, can ever diſengage him who is obliged; nor make him remain obliged, who is deny'd a Diſpenſation if he deſerves one. It is a popular Error to believe that Diſpenſations is a Favour, ſeeing it is an Act of diſtributive Juſtice as much as any: And he ſins, who grants it not to thoſe to whom it is due. The Church is not a Servant, nor is the Pope its Maſter: It is the Pope's Part, who is only Servant of him who has ſet him over the Chriſtian Family, to give to every one what is due to him. *Quem conſtituit Dominus ſuprà familiam ſuam, ut det illis in tempore tritici menſuram*, Lucæ 12. Diſpenſation is nothing but a right Interpretation of the Law; and conſequently the Pope cannot, by his Diſpenſations, diſengage thoſe, who really are oblig'd to obſerve a Law; but he may very well declare to thoſe, who are not under any Obligation to a Law, that they are not oblig'd to obſerve it.

Fra. Paolo in the ſame Hiſtory, *lib.* 7.

I recommend this laſt Inſtruction as deſerving to be deeply engraven in the Hearts of all Chriſtians.

* See *Garcia*, de Benef. *parte* 11. *cap.* 5. *num.* 337.

CHAP.

CHAP. XXXIV.

IT was a Practice of great Antiquity, that when a People by any Calamities, as of War, Plague, or Inundations, were reduced to ſo ſmall a Number, that they could not maintain a Miniſter, the Biſhop committed the Care of them to the neighbouring Curate *, with the ſmall Revenue that was left; and this was call'd uniting the two Cures. In the ſame manner when Cities became depopulated, and fell to ſuch decay, that they were not able to afford their Biſhop an honourable Maintenance, the Metropolitan and his Suffragans aſſembled in Council, added two or more Cities to one Dioceſs, and ſo theſe Biſhopricks were called united. On the contrary, when the People in any Place multiplied ſo faſt, that one Curate was not ſufficient for the Charge, the Cure was divided: A Method which continues in uſe to this day, and a very commendable one, both for the Service of GOD, and the Convenience of the People (*a*).

It was afterwards thought expedient to make Unions, in favour of ſome particular places of Devotion; and thus divers Benefices became united to Biſhopricks, Monaſteries, or ſome poor Hoſpital. By which Union, the beneficed Perſon ſeems to

* Vide Can. univerſ. cauſ. 10. q. 33. ex concil. Tolet. cap. 4. an. 693.

(*a*) Et Canonica tradit authoritas, & ratio ſuggerit naturalis, ut cum neceſſitas exigit, vel utilitas perſuadet, ut unus Epiſcopatus dividatur in plures, & plures conjungantur in unum, ne cura paſtoralis deſit alicui, vel aliquid deſit curæ paſtoris. *Innoc.* 3. *ep.* 52. *tom.* 2. *lib.* 10. *ad Epiſcopum Pavienſem.*

hold

hold two Benefices, when in reality he holds but one (1.)

But in order to give two Benefices to the ſame Perſon, which were really incompatible and inconſiſtent to be held together, human Subtlety had invented the way of uniting the one Benefice to the other, during the Life of the Incumbent; ſo that by giving the principal Benefice, the united one was included in the Gift, and went along with it for company. By which means the Law againſt holding more than one Benefice, is ſaved in appearance, but in reality it is a meer Obſervance of the Words, and a plain Tranſgreſſion of the Senſe: which the Lawyers call, Evading the Law (2).

This Invention alſo ſerv'd to confer Benefices with Cures upon Children, or on illiterate Men, and without any Obligation of taking holy Orders, by uniting the Benefice with Cure, to a ſimple Benefice for Life; and then by conferring the ſimple Benefice in Title; and ſo the Beneficiary became in poſſeſſion of the Cure, and the Letter of the Law preſerved.

But the valuable Power of uniting Benefices for Life, was reſerv'd to none but the Pope alone; nor could the Biſhops ever obtain it on any Occaſion whatſoever. Some Civilians call this an Union in Name, but in Reality it is a total Diſſolution of the

(1) Theſe Unions of Grace or Favour were forbid by the Council of *Lateran*, and abrogated by the Council of *Baſil*, under the general Title of Reſervations. *See the pragmatick Sanction*, de Electionibus, & quia verbo, exceptis: Et Guim. *ibidem*.

(2) See Garcia de Benef. parte 12. cap. 2. de unione, num. 84.

Law

Law (3): And for that reaſon, hath been prohibited in ſome Countries with great Marks of deteſtation. This Evil reign'd very long in the Court of *Rome*, but is now worn out, and no longer in any force (4), with many other Artifices and Subtleties (not to call them Cheats) of the ſame nature; which are too evident, for Reaſons which ſhall be given, when we come to ſpeak of the Affairs of our own Times.

(3) Thus the Congregation of Cardinals and Biſhops ſpoke to *Paul* III. who had deputed them in 1537. to try to make a Reformation in his Court.

Quid de unionibus beneficiorum ad vitam unius, *ſay they*, ne ſcilicet obſtet illa beneficiorum pluralitas ad obtinenda incompatibilia, nonne eſt mera fraus legis?

(4) Since the Council of *Trent*, which aboliſh'd it in the Seſſion 7. *chap.* 7. of the Reformation.

CHAP. XXXV.

Commendams were alſo of a very ancient and laudable Inſtitution; for when an elective Benefice became vacant, ſuch as a Biſhoprick, Abby, or ſome Benefice, that was *Jus-patronatus*, for which the Ordinary could not, for ſome Reaſon, provide immediately, the Care of it was recommended by the Superior to ſome Man of Merit *, who ſhould only take upon him the Direction of it, till the Vacancy ſhould be fill'd up, but who could enjoy none of the Profits: And therefore ſome excellent Perſon was generally pitch'd upon, to whom the Underta-

* Vide Greg. III. lib. 1. Ep. 76. lib. 2. Ep. 13, & 35.

king

king was an Expence, and had nothing to recommend it, but the Trouble which he was to undergo for the Service of the Church : But he would have been very improperly ſaid to hold this Benefice in *Commendam* ; and conſequently, in reality, had not two Benefices (*a*).

However, not to wrangle about Words, it grew to be a Maxim among the Canoniſts, That a Clerk might hold two Benefices, one Titular, the other in *Commendam* *. At firſt, the *Commendam* was to continue only till other Proviſions were made ; afterwards it grew to be given for a certain determinate Time, which ſometimes prov'd a little with the longeſt. This occaſion'd the Popes prohibiting the Biſhops to extend it beyond ſix Months (*b*), tho' he made it no Rule for himſelf. On the contrary, the *Commendams* contracted too much of this Habit, not altogether commendable from the *Roman* Chancellery ; for when the Pope would confer a Benefice on any one who happen'd to be incapacitated, either for want of Age, or becauſe the Benefice was regular, and the Perſon ſecular, the Pope gave it him in *Commendam*, until he was in a Capacity to take the Title.

(*a*) Quia Commendatio, *ſay the Canoniſts*, non facit Prælatum, ſed Procuratorem, & qui commendavit, poteſt revocare, quando vult. Nam commendare nil aliud eſt quam deponere. *Gloſſ. can. ad unum* 4. *cauſ.* 21. *q.* 1.

* Ibidem & cap. Dudum, extra de election.

(*b*) Nemo deinceps, *ſays* Gregory X. paræcialem eccleſiam alicui non conſtituto in ætate legitima & ſacerdotio commendare præſumat. Nec tali etiam niſi unam, & evidenti neceſſitate, vel utilitate ipſius Eccleſiæ ſuadente. Hujuſmodi autem Commendam ut præmittitur, rite factam declaramus ultra ſemeſtris temporis ſpatium non durare : Statuentes quicquid ſecus de commendis Eccleſiarum paræcialium actum fuerit, eſſe irritum ipſo jure. *Cap. nemo* 15. *de elect. in ſexto an.* 1273.

At

At last, about the Year 1350, the Popes throwing off all sort of Considerations, and having got the other Bishops ty'd down to the Term of six Months, gave a loose at once to the asserting their own Power, and conferred the *Commendam* for Life: And if this happen to one who hath another incompatible Benefice in Title before, the Letter of the Law is preserved strictly and without Reproach, which forbids two Benefices to be given, unless the one be in Title, the other in *Commendam*: But the Sense or Spirit of the Law is perverted; seeing the Commendatory for Life, as to the Profits, is, to all intents, the same with the Titular (1). In the same manner,

(1) When by reason of any Calamity of War or Plague, says the Author in the same Place, an immediate Election could not be made, the Superior recommended the vacant Church to some Person of known Vertue and Ability, who besides the particular Care of his own Church, govern'd in the Vacancy of this, till it was fill'd: And this Commendatory was only the Depository of the Revenues.

Afterwards the Commendatories, under divers Pretences of Necessity and Decency, made use of the Fruits; and that they might enjoy them longer, they put off the Nomination or Election of the Titulars by several Artifices, which occasion'd the fixing the Term of the *Commendam* to six Months. But the Popes making use of their plenary Power, prolong'd the Term, and even granted the *Commendams* for Life, with all the Profits.

This Invention, which in its Original was pious, degenerated into so much Abuse, as to be made use of in corrupt times to countenance Pluralities, of which one sort, they said, was possess'd in Title, the other in *Commendam*; by which, the Words of the Law were observed, but the Sense was defeated, seeing the Commendatory for Life differ'd in nothing from the Titular. [*Witness the Form of Bulls of* Commendam, Curam Monasterii ac regimen & administrationem tibi in spiritualibus & temporalibus plenarie committentes.] And in *lib.* 3. of the same History, he speaks thus; When the Western Empire was ravaged by the barbarous Nations, it happened often that the Churches lost their Pastors, and that those to whom it belong'd to provide others,

others, were hinder'd by the Inroads and continual Violences of this accurſed People.

For this Reaſon, the chief Biſhops of the Province recommended the Orphan Church to ſome vertuous Churchman, till they were at liberty to chuſe a Paſtor canonically. The Biſhops and neighbouring Curates did the ſame, when ſome Country Pariſh fell vacant. And the Perſon pitch'd on for Commendatory being always a Man of conſequence, who was much concern'd to anſwer the Expectation had of him, the Church found great advantage by it. But as Corruption commonly creeps into the beſt things, ſome Commendatories began to divide their Care betwixt the Service of the Church recommended to them, and their particular Intereſt, and the Biſhops to recommend Churches, when there was no occaſion. So this Abuſe ſtill encreaſing, a Law was neceſſary to limit the time of the *Commendam* to ſix Months, and to forbid the Commendatory to take any of the Profits. But the Popes, ſetting themſelves above all Law, prolong'd the Term of the *Commendams*, and granted a Part of the Profits to the Adminiſtrators; and afterwards carried things ſo high, as to grant *Commendams* for Life, with all the Revenues. After which, they changed alſo the Stile of their Bulls, ſaying, "We recommend this Church "to thee, that thou mayeſt "ſupport thy Condition with "more Eaſe and Decency:" [*ut ſtatum tuum juxta gradum tuæ nobilitatis decentius tenere valeas.*] Whereas, the Title before was, "To the end, that "during this Interval, this "Church may be ſerved and "governed." Farther, they order'd, that the *Commendams* ſhould be left wholly to their Diſpoſal, without allowing him who had the Right of Collation to uſe his Right, upon the Death of the Commendatory. Now, as the Commendatories were made by the Popes, and depended only on him, People choſe rather to ſollicite at *Rome* for Benefices in *Commendam*, than for Benefices in Title; ſeeing by this Means, they withdrew themſelves from the Biſhop's Authority, who thus loſt it over moſt of the Churches of their Dioceſſes. Whence it came to paſs, that the Commendatories being no longer accountable to any body, retrench'd to their own great advantage all the neceſſary Expences, and let the Buildings go to Ruin; minding nothing but how to ſupport their Condition according to the Tenure of their Bulls.

I thought it proper here to inſert theſe two Pieces of Hiſtory, extracted out of the Hiſtory of the Council of *Trent*, by *Fra. Paolo*, becauſe they give a perfect Account of every Thing that is requir'd to be known, in the Buſineſs of *Commendams*.

Manner,

Manner, as a Benefice given in *Commendam*, to one who hath not the Qualifications requir'd by the Canons, is not offending againſt the Words of the Canons; but the Benefice is given in effect, tho' not in Words. The *Commendams* of Biſhopricks and other Benefices, are almoſt diſus'd indeed in *Italy*, only there ſtill remain ſome Abbies in *Commendam*, upon Occaſions, which ſhall be mention'd when we come to our own Times.

By the Methods we have deſcrib'd, the Popes drew to themſelves a great part of the Collation of Benefices, in all the Chriſtian Kingdoms of the Weſt. But in the Eaſtern Churches they were not allow'd to diſpoſe one Benefice, not only towards the latter Times of that Empire, when the *Greeks* ſeparated intirely from the Church of *Rome*, but even when they were united; except in the Parts of *Syria* and *Greece*, when theſe Countries were under the Dominion of the *French* and *Venetians*. And tho' theſe Bulls, which diſpos'd of Benefices in ſome one of the Methods above-mention'd, were for the moſt obey'd; yet they met with ſo many Complaints and Murmurings, as made it ſometimes be diſputed, whether the Pope had any Right at all to ſuch Power.

In *Italy* no Oppoſition was made to it, except by ſome conſcientious Men, who had only the Service of GOD in view; the *Italians*, of whom the *Roman* Courtiers were compos'd, finding their advantage in this great Authority of the Pope, which help'd them to Revenues beyond the Mountains.

In *Spain*, the Prudence of that Nation eluded all the Artifices of the Court of *Rome*, by Negotiations.

In *England*, where the Benefices are very rich and numerous, the *Roman* Courtiers made ſuch mighty

Acquiſitions (2), that in the Year 1232, the Clergy, and the Military Men of the Kingdom, form'd a Confederacy or Aſſociation *, and pillaged all the Goods and Revenues of the beneficed *Roman* Clergy throughout the Iſland (*c*). The Pope commanded the King, under pain of Excommunication, to chaſtiſe them with his Temporal Arms, and the Biſhops to excommunicate them: But the Confederates were too ſtrong, either for the Kings to touch them, or the Biſhops to excommunicate them. Yet this Interval of Quiet laſted but for a few Years, for Pope *Innocent* IV. a *Genoeſe* (3), taking courage, ſent one *Martin*, a Kinſman of his, to renew the Pretenſions of the Court (*d*). The *Engliſh*

(2) *Matth. Paris* ſaith, That *Gregory* IX. commanded the Archbiſhop of *Canterbury*, and the Biſhops of *Lincoln* and *Sarisbury*, to provide 300 *Romans* with the firſt Benefices that ſhould be vacant in their Churches, ſuſpending all their Collations until theſe 300 were provided for *anno* 1240.

* Matth. Paris in Hen. III. *anno* 1231.

(*c*) Eodem anno diſtracta ſunt horrea Romanorum per totam fere Angliam a viris quibuſdam armatis, & adhuc ignotis, bonis conditionibus & ad commodum multorum, & opus licet temerarium in ſolennitate paſchali, inchoantes ſine contradictione & libere, quod quandoque minimos inter pauperes ſeminantes eos colligere hortabantur. *Idem in Henrico*, *anno* 1232.

(3) Of the Family of *Fiaſchi* of the Counts of *Lavagna*, elected in 1243. call'd the Father of the Canoniſts.

(*d*) Circum idem tempus miſit Dominus novus Papa quendam novum pecuniæ extortorem magiſtrum, videlicet Martinum, autenticum papale deferentem, & habentem poteſtatem excommunicandi, ſuſpendendi, & multipliciter voluntati ſuæ reſiſtentes puniendi. *Idem. Matt. Paris.*

It is obſervable, that the Popes pretended to ſo great an Authority over *England*, by virtue of an ancient Right, founded on the Donation of *Conſtantin*, by which, all the Iſlands were given, as was pretended, to the Church of *Rome*.

Ad preces meas, illuſtri Regi Anglorum Henrico II. conceſſit & dedit (Hadrianus) Hiberniam jure hæreditario poſſidendam. Nam omnes Inſulæ de jure antiquo

Engliſh complain'd to the King, that the *Italians* had got poſſeſſion of all the Benefices; and the King drove *Martin* out of the Kingdom, and making a Computation of all the Revenues which the Popes drew out of *England*, found they were equal to his own Revenue, which amounted to 60000 Marks (4). And upon his laying theſe Grievances before the Pope, in the Council of *Lyons*, who preſided there in Perſon, he was anſwer'd, That the Council was not aſſembled for that Affair (5), nor was the Seaſon proper to remedy it.

While this Council was held in the City of *Lyons*, the Pope had a longing Deſire to beſtow ſome Prebendaries of that Church on ſome of his Relations; which made ſo great a diſturbance in the City, that on notice that they were in great danger of

tiquo ex donatione Conſtantini, qui eam fundavit, & dotavit, dicuntur ad Rom. Eccleſiam pertinere. *Joannes Sarisburienſis lib.* 4. *Metalogici, cap.* 42.

(4) The ſame Hiſtorian ſaith, that the Revenue of the *Italian* Beneficiaries, eſtabliſh'd in *England*, amounted to more than 70 thouſand Marks of Silver; and that *Innocent* IV. had more impoveriſh'd the Church of God, than all the Popes together had done, ſince St. *Peter*.

Epiſcopus Robertus Lincolnienſis fecit a ſuis Clericis diligenter computari, alienorum proventus in Anglia, & inventum eſt, & veraciter compertum eſt, quod Innocentius IV. plus Eccleſiam univerſalem deperaverat quam omnes Prædeceſſores a tempore Papatus primitivi. Redituſque Clericorum per ipſum in Anglia alienorum, quos Eccleſiæ Romanæ ditaverat, ad pluſquam ſeptuaginta millia Marcarum aſcendit: Reditus Regis non ad ejus partem tertiam computatur. *In vita Henrici III. ad anno* 1252.

In another Place, *ad an.* 1255. he calls *Innocent* IV. *Diſſipator Eccleſiæ Dei, & venditor Eccleſiarum.*

(5) He had call'd it, under pretence of ſending Succours to the Holy Land; but his true Motive was, to excommunicate the Emperor *Frederic. Rainald an* 1245. § 1. *& Matth. Paris anno* 1245.

being thrown into the *Rhone* (*e*), he ſent them privately out of Town.

Nevertheleſs the Court ceaſed not to make new Attempts. In the Year 1253, the ſame Pope commanded *Robert*, Biſhop of *Lincoln*, a Perſon eminent in thoſe Times, for Learning and Strictneſs of Life, to confer a Benefice upon a *Genoeſe*, againſt the Canons: which appearing both inconvenient and unjuſt, this Prelate anſwer'd, That he receiv'd the Apoſtolick Commands with the Reſpect due to them, as they were conformable to the Doctrine of the Apoſtles, but that the *Non-obſtantibus* made up of Uncertainties, Inconſiſtencies, and proceeding from want of Faith, came like a Torrent to overthrow the Peace of *Chriſtendom*: That it was a grievous Sin to take away the Paſture from the Sheep: And that the Apoſtolick See had all power to edify, but not to deſtroy (*f*). The Pope was enraged at this

(*e*) Eodem tempore cum vellet Dominus Papa quibuſdam Præbendis Lugdunenſis Eccleſiæ vacantibus, quoſdam alienegenas conſanguineos ve. affines ſuas, inconſulto Capitulo intrudere, reſtituerunt ei in facie Canonici Lugdunenſes, comminantes, & cum juramento obteſtantes, quod ſi tales apud Lugdunum apparerent, non poſſet eos, vel Archiepiſcopus vel Canonici, protegere, quin in Rhodanum mergeretur. *Mat. Paris*, *anno* 1245.

Emeric Gueri, Archbiſhop of *Lyons*, choſe rather to quit his Archbiſhoprick, than to ſee his Church expoſed to the Plunder of the Pope. *Gallia Chriſtiana*, *pag.* 324. *Mat. Weſtminſt.*

(*f*) Mandatis Apoſtolicis, *ſaith he, in his Anſwer to the Pope*, affectione filioli devote & reverenter obedio, his quoque quæ mandatis Apoſtolicis adverſantur, paternum zelans honorem, adverſor & obſto; ad utrumque enim teneor ex divino mandato——Non eſt igitur literæ, tenor Apoſtolicæ ſanctionis conſonus, ſed abſonus plurimum & diſcors. Primo, quia de illius literæ, & ei conſimilium ſuper accumulato non obſtante, ſcatet cataclyſmus inconſtantiæ audaciæ & procacitatis, inverecundiæ, mentiendi, fallendi, diffidenter alicui credendi, & ex his conſequentium vitiorum quorum non eſt numerus, Chriſtianæ religionis puritatem,

this Anſwer (*g*), and Cardinal *Ægidius* a *Spaniard*, a prudent Man, endeavour'd to appeaſe him, repreſenting, That proceeding to Extremities, in a Cauſe ſo odious in the World, and againſt a Prelate ſo univerſally eſteem'd, could have no good Effect (*h*).

But

tatem, & ſocialis converſationis hominum tranquillitatem commovens, & perturbans. Præterea —— non eſt, nec eſſe poteſt, alterum genus peccati tam contrarium Apoſtolorum doctrinæ, & evangelicæ & ipſi Domino Jeſu Chriſto tam deteſtabile, & abominabile, quam animas curæ paſtoralis officii & miniſterii defraudatione mortificare & perdere. *And after ſome other Remonſtrances of the ſame Strain, he finiſheth his Letter thus:* Apoſtolicæ ſedis ſanctitas non poteſt niſi quæ in ædificationem ſunt, & non deſtructionem: Hæc enim eſt poteſtatis plenitudo omnia poſſe in ædificationem; Hæ autem quas vocant proviſiones non ſunt in ædificationem, ſed in manifeſtiſſimam deſtructionem. Non igitur eas poteſt beata ſedes Apoſtolica acceptare, quia caro & ſanguis (*becauſe* Innocent *gave all the Benefices to his Kind ed, and fill'd the* Engliſh *Church with* Genoeſes)' quæ regnum Dei non poſſidebunt, eas revelavit. *Mat. Paris*, in the Life of *Hen.* III. 1251.

(*g*) Hæc cum ad Papæ audientiam perveniſſent, non ſe capiens præ ira ſuperbo animo ait: Quis eſt iſte ſenex delirus, ſurdus, & abſurdus, qui facta audax, immo & temerarius judicat (which of the two doated, the Pope, who broke the Canons, or *Lincoln*, who defended them? Which of them was deaf, *Lincoln*, who hearken'd ſo well to the Voice of the LORD, or *Innocent*, who was deaf to an Apoſtolical Prelate, who told him his Duty?) per Petrum & Paulum, (he ſware by St. *Peter* and *Paul* againſt the Biſhop of *Lincoln*, who gave him the ſame Rebuke then, which St. *Paul* had given to St. *Peter*, *quia reprehenſibilis erat, & non rectè ambulabat ad veritatem Evangelii*, (Galat. 2.) inſtead of imitating St. *Peter*, who profited by this Correction) niſi moveret nos innata ingenuitas, ipſum in tantam confuſionem præcipitarem, ut toti mundo fabula foret & exemplum. *Ibid.*

(*h*) Non expediret, Domine, ut aliquid darum contra ipſum Epiſcopum ſtatueremus, ut enim vera fateamur, vera ſunt quæ dicit, non poſſumus eum convincere. Catholicus eſt, imo & ſanctiſſimus, nobis religioſior, nobis ſanctior, excellentior, & excellentioris vitæ, ita ut non credatur, inter omnes Prælatos majorem, imo neparem habere. Novit hoc Gallicana & Anglicana Cleri univer-

But whilſt the Pope was meditating which way to be reveng'd, *Robert* died, continuing to ſpeak in the ſame Strain to the laſt Moments of his Life (1): And as he paſs'd for a Saint, the Repott went that he wrought Miracles. The Pope, when he heard of his Death, order'd a Proceſs againſt him, to take him out of his Grave, and ſent it to the King to

univerſitas, noſtra non prævaleret contradictio. Hujuſmodi epiſtolæ veritas, quæ jam forte multis innotuit, multos contra nos poterit commovere. Hæc dixerunt Dominus Ægidius Hiſpanus Cardinalis, & alii, conſilium dantes Domino Papæ ut omnino hæc conniventibus oculis ſub diſſimulatione tranſire permitteret, ne ſuper hoc tumultos excitaretur. *Ibid.*

This Cardinal, by the Teſtimony of the ſaid Mat. Paris, *was a great Man.* Pare carens, *ſaith he*, columna in curia Romana veritatis, & juſticiæ, & munerum aſpernator, quæ rigorem æquitatis flectere conſueverunt. *He died* 1255, *aged near* 100 *Years.*

(1) Privilegia ſanctorum Pontificum Rom. Prædeceſſorum ſuorum Papa impudenter annullare per hoc repagulum non-obſtante non erubeſcit: Quod non fit ſine eorum prejudicio & injuria manifeſta; ſic enim reprobat, & diruit, quod tanti, & tot ſancti ædificaverunt ——Nonne dicit Papa de ſuis pleriſque prædeceſſoribus, ille vel ille piæ recordationis prædeceſſor noſter, & ſæpe adhærentes ſancti prædeceſſoris noſtri veſtigiis, *&c.* Quare ergo, quæ jecerunt, diruunt fundamenta, qui ſequuntur? Norne plures, divina gratia ſalvati, majores ſunt uno ſolo adhuc periclitante? ——Unde ergo hæc injuriosa temeritas, privilegia antiquorum ſanctorum multorum in irritum revocare? *That is to ſay*, The Pope is not aſham'd to caſs and annul, with a *non-obſtante*, the Conceſſions and Acts of his holy Predeceſſors, not conſidering the injury he doth to their Memories, in overturning all their ſpiritual Fabrick. When the Pope ſpeaks of any of his Predeceſſors, doth he not ſay, Our Predeceſſor *N.* —— of pious Memory? And very oft he ſaith, Being willing to follow the Footſteps of our holy Predeceſſor: Will he then ruin the Foundations which others have laid? Many Popes, who, by God's Grace, have happily arriv'd at the Harbour, are not they of greater Weight than one alone, who is in danger of making Shipwreck? How comes it then, that *Innocent* is ſo bent upon revoking the Privileges, which ſo many holy Fathers have granted? *Matth. Paris*, in the ſame Life.

execute.

execute. But the Night following, *Robert* appear'd to the Pope, either in a Viſion or Dream, clad in his Pontifical Robes, and reproaching him for perſecuting his Memory, gave him a Blow on his Side with his Croſs (*k*), which awaken'd the Pope with an exceſſive Pain, which continued with him till his Death (*l*).

In the Year 1258, *Alexander* IV. *, his Succeſſor, on the like occaſion excommunicated the Archbiſhop of *York*, who perſevering and juſtifying him-

(*k*) Hoc anno 1254, Dominus Papa dum iratus ſupra modum vellet oſſa Epiſcopi Lincolnienſis extra Eccleſiam projicere —— juſſit talem Epiſtolam ſcribi Domino Regi Angliæ tranſmittendam : Sciens quod ipſe Rex libenter deſæviret in ipſum. (*For, as our Hiſtorian ſaith, 6 or 7 Pages before,* Robert *was* Domini Papæ & Regis redargutor manifeſtus) ſed nocte ſequenti apparuit ei idem Epiſcopus Lincolnienſis pontificalibus redimitus, ac voce terribili ipſum Papam in lecto ſine quiete quieſcentem aggreditur & affatur pungens ipſum in latere, ictu impetuoſo, cuſpide baculi ſui paſtoralis : Et dixit ei, Sinibalde, Papa miſerrime, propoſuiſtine oſſa mea extra Eccleſiam projicere ? Unde hæc tibi temeritas ? —— Nullam poteſtatem in me habere te Dominus a modo patietur : Scripſi tibi in ſpiritu humilitatis, & dilectionis, ut errores tuos crebros corrigeres ; ſed tu monita ſalubria, falcinante corde contempſiſti. Væ, qui ſpernis, nam & tu contemneris : & ſic recedens Robertus, ipſum Papam —— dereliquit ſeminecem. *Ibid. anno* 1254.

(*l*) Papa in Latere quaſi pleuriſi infirmatus, vel lancea lanciatus : Nec potuit ei Cardinalis Albi Phyſica ſuffragari ; non enim pepercit Robertus Lincolnienſis Sinibaldo Januenſi, (*which was the Name and Country of* Innocent) & qui vivum noluerat adire corripientem, ſenſerat mortuum impingentem. Nec unquam poſtea ipſe Papa unum bonum diem vel proſperum continuavit uſque ad noctem vel noctem uſque ad diem, ſed inſomnem & moleſtam. *Ibid*

Towards the End of the Year 1254. *Mat. Paris* reports, That *Innocent* being at the point of Death, and ſeeing his Friends weep, ſaid to them, *Quid plangitis miſeri ? Nonne vos omnes divites relinquo ? Quid amplius exigitis ?*

* He was of the Houſe of *Conti*, the ſame with *Innocent* III. and *Gregory* IX.

ſelf, ſtood the Perſecution with great fortitude (*n*), and drawing near his End, wrote a Letter of great prudence to the Pope, exhorting him to imitate his holy Predeceſſors, and to ſuppreſs theſe Innovations, ſo injurious to the Church, and ſo dangerous to the Safety of his own Soul (*o*): And then died, in the Reputation of a Saint and Martyr.

During the Confuſions of theſe Times, there was a Regulation found neceſſary to be made in *France*, which I ſhall here recount, introducing it with this

(*n*) Anno 1257. aggravavit manum ſuam Dom. Papa in Archiepiſcopum Eboracenſ. juſſitque eum ignominioſe nimis in tota Anglia excommunicari. Ipſe tamen Archiepiſcopus exemplo B. Thomæ Martyris nec non B. Rob. Epiſcopi Lincolnienſis fidelitate eruditus de ſolatio celitùs mittendo minime deſperavit, omnem papalem tyrannidem patienter ſuſtinendo. *And* 8 *Pages after*, Renuit genua flectere Baal, & indignis Barbaris opima beneficia Eccleſiæ ſuæ, quaſi Margaritas porcis, imo ſpurcis diſtribuere. *Ibid.* *And* 4 *or* 5 *Pages after*, Nec cenſeo prætereundum quod B. Edmundus Lector in Theologia Oxonialis (*and afterwards Archbiſhop of* Canterbury) ei dicere conſuevit. Oh Sewale (*which was the Name of this Archbiſhop of* York) Martyr ab hoc ſeculo tranſmigrabis, ferro, vel ſaltem gravibus & inſuperabilibus in mundo tribulationibus impetitus & trucidatus. *Ibid. ad an.* 1257, 1258.

(*o*) In amaritudine animæ ſcripſit Papæ exemplo Roberti Lincolnienſis Epiſcopi provocatus, dolens inconſolabiliter, quod tam multiformiter ipſum fatigarat, eo quod inexpertos, & linguæ Anglicanæ ignaros renuit acceptare, nunc ſuſpendendo, nunc ab Eccleſia eliminando, nunc crucem adferendo, &c. (*the Pope had forbid his firſt Almoner to carry the Croſs before him, as was the Cuſtom*) Conqueſtus eſt inſuper graviter, quod impetus quorundam Clericorum authoritate papali protervientium ægre ſubſtinuerat, ſed patienter, ut probra Patris, non ut Cham revelando deriderет, ſed ut Sem abſconderet & velaret. Humiliter ergò in ſcripto ſuo & inſtanter petiit, ut conſuetas tyrannides temperaret, humilitatem ſanctorum Prædeceſſorum ſuorum ſequendo. Dixit Dominus Petro, paſce oves meas, non tonde, non excoria, non eviſcera, vel devorando conſume: *That is, Feed my Sheep, and not ſheer them, not tear out their Bowels nor devour them.*

As ſome Biſhops have done, of whom nothing is to be obtain'd, but for ready Money.

Obſer-

Obſervation, That in ſpight of all the Reſiſtance and Defence made by the Princes and Biſhops againſt the Attacks of the Church of *Rome*, ſhe has never loſt Courage in the ſharpeſt Conflicts, or betray'd the leaſt Thought of deſiſting from her Pretenſions.

On the contrary, purſuant to theſe, in the Year 1266, *Clement* IV. form'd the Project, which would have put him or his Succeſſors into the abſolute poſſeſſion of all the Collations of Benefices throughout the Chriſtian World; and withal have freed him from the Servitude of inventing inceſſantly new Shifts and Fineſſes, to draw the Collations to *Rome*.

This Pope, therefore, begun with a Bull, which concluded no farther, than what concern'd the Reſervation of Benefices *vacantes in Curia*; the Collation of which, he ſaith, is reſerv'd to the Pope, by ancient Cuſtom; which, conſequently, he approves, and that it is his pleaſure it ſhould be obſerv'd: But tho' he concludes no more than this, he had ſupply'd it with a Preface of the ſtrongeſt Suppoſitions, in theſe Terms: "Altho' the intire Diſpo-"ſition of all Benefices belong ſo juſtly to the "Pope, that he might not only confer them when "vacant, but alſo grant a Right of acquiring, or "of Prevention, before they are vacant, never-"theleſs, ancient Cuſtom hath more particularly "reſerv'd thoſe *vacantes in Curia*: Therefore we "approve this Cuſtom (*p*)."

If

(*p*) Licet Eccleſiarum, perſonatuum, dignitatum aliorumque beneficiorum Eccleſiaſticorum plenaria diſpoſitio ad Romanum noſcatur Pontificem pertinere, ita quod non ſolum ipſa cum vacant, poteſt de jure conferre, verum etiam jus in ipſis tribuere vacaturis: collationem tamen Eccleſiarum dignitatum, & beneficiorum apud ſedem Apoſtolicam vacantium,

If the Decree had concluded ſuitably to his Inclinations, of declaring that the Diſpoſition of all Benefices belong'd to him, an univerſal Outcry muſt have follow'd, and he have drawn all Orders of Men, Eccleſiaſticks as well as Princes, and other Lay-Patrons upon him; all would have been alarm'd, and have ſtood to their Arms, with Manifeſtos and Publications of their Reaſons, too loud to be born: Whereas a Propoſition, ſtated upon a Suppoſition, without ſeeming to make any Concluſion, paſs'd the more eaſily upon the generality of Men, who were not ſenſible how much it imported, and in effect it implied.

However, two Years after, in the Year 1268, St. *Lewis*, King of *France*, without having any regard to this Bull of *Clement* IV. ſeeing the Regulations made by the Queen Regent his Mother, during his Minority, and Abſence in the Holy-Land, were not of efficacy to remedy the Abuſes crept in by the Diſpenſations of Benefices, made his famous *Pragmatick* * ; wherein he commands, that the Cathedrals

cantium, ſpecialius ceteris antiqua conſuetudo Romanis Pontificibus reſervavit.

Nos itaque laudabilem reputantes hujuſmodi conſuetudinem, & eam authoritate Apoſtolica approbantes, ac nihilominus volentes ipſam inviolabiliter obſervari, eadem authoritate ſtatuimus, ut beneficia quæ apud ſedem ipſam deinceps vacare contigerit, aliquis præter Romanum Pontificem conferre alicui, ſeu aliquibus non præſumat. *Sexti Decret. lib.* 3. *tit. de Præbendis, cap.* 2.

* It is much doubted, if this *Pragmatick* were made by St. *Lewis* or no, the Writers of that Time making no mention of it. Beſides that, it no where appears, that the Pope who reign'd then, had any difference with this King, which had been unavoidable, if this *Pragmatick* had been his.

The Cardinal *de Bourdeille*, who refuted it in the Time of *Lewis* XI. in a ſmall Treatiſe, entitled, *Defenſorum Concordatorum inter ſedem Apoſtolicam, & Regem Franciæ Ludov.* XI. ſeems

Cathedrals and Monaſteries ſhould enjoy their Elects free and uncontroul'd, that all the other Benefices ſhould be diſpos'd as the Law directed; and that no Impoſitions of the Court of *Rome* ſhould be levied upon the Benefices, without the King's Conſent, and that of the *Gallican* Church (*q*).

But the Expedition of this pious Prince into *Africk* againſt the *Moors*, and his Death, which happen'd in the Year 1270, the Intereſt which the

ſeems to ſay, that it was not made by St. *Lewis* in theſe Terms:

Quod autem eidem aſcribitur feciſſe Pragmaticam per quam quidem juſtificare nituntur Pragmaticam per ſereniſſimum Principem Carolum Regem (VII.) domini noſtri Ludovici genitorem editam, & per eundem Dominum noſtrum Ludovicum, catholice nuper abrogatam, nihil proderit eis, neque prodeſſe poteſt, ſi attendantur ſingula verba ejuſdem ſancti ſub tenore hujus aſcriptæ ſibi Pragmaticæ contenta, quæ talis ab aliquibus aſſeritur. Ludovicus Dei gratia Francorum Rex ad perpetuam rei memoriam, &c.

Our Kings having never uſed this Form, which is ſacred only to the Prope's Bulls.

(*q*) Statuimus & ordinamus primo ut Eccleſiarum regni noſtri Prælati, Patroni, & beneficiorum collatores ordinarii jus ſuum plenarie habeant, & unicuique ſua juriſdictio ſervetur—— Item promotiones, collationes, proviſiones, & diſpoſitiones Prælaturarum, dignitatum, & aliorum quorumcunque beneficiorum, & officiorum Eccleſiaſticorum Regni noſtri, ſecundum diſpoſitionem, ordinationem & determinationem juris communis, ſacrorum conciliorum Eccleſiæ Dei, & inſtitutorum antiquorum ſanctorum Patrum, fieri volumus, & ordinamus.

Item exactiones & onera graviſſima pecuniarum per curiam Romanam Eccleſiæ regni noſtri impoſita, vel impoſitas, quibus miſerabiliter regnum noſtrum depauperatum extitit: Sive etiam imponendas, vel imponenda, levari aut colligi nullatenus volumus, niſi duntaxat pro rationabili, pia & urgentiſſima cauſa vel inevitabili neceſſitate, & de ſpontaneo, & expreſſo conſenſu noſtro & ipſius Eccleſiæ regni noſtri.

Nicholas Giles, in the Life of St. *Lewis*, and the Compiler of the Proofs of the Liberties of the *Gallican* Church, aſſures us, that this Act is found in the Regiſter of the Parliament. See the Preface of Mr. *Pinſon* upon this *Pragmatick*, *pag.* 30. *num.* 61. and the following ones.

Houſe

Houſe of *Anjou* had in preſerving the Pope's Favour, to eſtabliſh the Poſſeſſion of the Kingdom of *Naples*, and to recover that of *Sicily*; together with the Permiſſion the Pope had granted the King, to gather Tythes in his Dominions, under the pretext of carrying on the War in the Holy-Land, were all powerful Concurrents to facilitate the Authority the Pope had loſt. And Pope *Boniface* VIII. made it ample Reparation, who in the Year 1298, inſerted the Conſtitution of *Clement* in the Decretals, only with ſome Amendment, in making that now the principal Sentence, which was before mention'd only as it were occaſionally, and by way of *Hypotheſis*. And to give more force to this Bull by the Uncertainty, he ſent it out under the name of *Clement* only, without expreſſing whether it were the Fourth or Third *Clement*: And that Doubt we find continu'd to this day, in the different Copies extant; in ſome of which he is call'd the Third, and in others the Fourth *.

Then it was that this Propoſition firſt began to be admitted for Truth, That the abſolute Diſpoſition of all Benefices belong to the Pope; which they pretended to underſtand in a Senſe not altogether abſurd: which is, That the Pope hath a plenary Power, but under the Regulations of Laws and Reaſon (*r*).

But *Clement* V. explain'd himſelf in a manner ſo clear, as to leave no room for any favourable Interpretations, declaring, That the Pope hath not only full Power of diſpoſing all Benefices, but alſo

* In the Edition of *Lions*, the Subſcription of the Title *de Præbendis*, is *Clemens* III. alias IV.

(*r*) Quod Papa omnia poteſt, præmiſſa clavi diſcretionis ante clavem poteſtatis, *cap. quanto, de jurejurando.*

an

an intire liberty in the manner of disposing them (*f*). By which liberty the Canonists understand, That he is exempted from Obedience either to Laws or Reason itself; and that he hath a Privilege of disposing Benefices in what manner soever, even against Reason, the Interest of any particular Church, or of any Lay-Patron whatsoever.

This Doctrine is asserted on all occasions in the Bulls, and there is no Canonist, who holds it not even as an Article of his Faith, That in the Collation of all Benefices whatsoever, the Pope can concur with the ordinary Collator, and even prevent him; and may grant the Power of concurring with the Collator, and even of conferring Benefices by Prevention, to whomsoever, and when he pleaseth: Which is a Power since granted by the Popes to their Legates, by a general Constitution.

In all the Consideration of this whole Matter of Benefices, nothing is more surprizing, than that which hath been all along maintain'd by the Canonists to this day, without any regard to a Truth so notorious, either out of Animosity, or because they think it is a Wrong to their Profession, to pretend to know any thing that is not drawn out of the Decretals; That heretofore the Pope conferr'd all Bishopricks and other Benefices, and that since, he hath granted away, out of meer Grace, the Election to the Chapters, and the Collation to the Bishops: Tho' the Light at Noon Day is not clearer, than that the Election of Ecclesiastical Ministers was first in the People; that afterwards it came into the Princes hands, when they had receiv'd the Chri-

(*f*) Salva in omnibus Rom. Pontificis potestate, ad quam Ecclesiarum, personatuum, dignitatum aliorumque beneficiorum ecclesiasticorum plena & libera dispositio, ex suæ potestatis plenitudine noscitur pertinere. *Clementin. lib.* 2. *tit.* 5. *cap.* 1.

stian

ſtian Faith, and had taken the Affairs of the Church into their Care: And laſtly, that the Elections reſted in the Clergy only, after the Seculars had been excluded by the Artifices of *Gregory* VI. and his Succeſſors; every Dioceſs ſtill retaining its own Right of electing, and of collating its own Benefices; which the Popes have, by degrees, inſenſibly aſſum'd to themſelves, by ſuch Methods as have been already ſhew'd, and ſuch as will appear in the following Diſcourſe.

In the mean time, there is no doubt to be made, but that this Aſſertion of the Canoniſts will one day come to be rank'd among the Articles of our Faith, in order to introduce into the Church a Doctrine, ſo diametrically oppoſite to that which was preach'd in thoſe Times. For *Anſelm* Biſhop of *Lucca*, who in the Year 1080, wrote three Books againſt *Gilbert* the Antipope *, in favour of *Gregory* VII. which are yet extant, proves throughout the ſecond of thoſe Books, that by the Authority of the Popes, the holy Fathers, the General Councils, and by the conſtant Uſage obſerved from the Times of the Apoſtles, down to the Times wherein he wrote, That the Election of the Biſhops, which he calls *Pontifices* †, belong'd to the Clergy, and People of the particular Dioceſs: And that the Emperors *Conſtantine*, *Conſtans*, *Valentinian*, *Theodoſius*, *Honorius*, *Charlemaign*, *Lewis the Debonair*, with divers others excelling in Piety and Faith, have never violated this Uſage, ſince the Times of the Apoſtles: And citing withal, a Conſtitution of the

* Or *Wibert* called *Clement* III. formerly Archbp of *Ravenna*, of whom is ſpoken in the Notes of the 23d Article.

† Not to call them *Papæ* in the plural, which, he ſaith, is as improper and impious, applied here, as to the Name of God. *See in the End of the 18th Article.*

Capitular

Capitular of *Charles* and *Lewis*, in which it is declar'd, That Biſhops ſhall be choſen by the Clergy and People of the Dioceſs, according to the Canons (*t*), he ſaith, That this is a Conſtitution intirely conformable to that of the holy Fathers; and that the Holy Spirit ſpoke no leſs by the mouths of theſe Emperors, than if it had been pronounced by the Council of *Nice*, or any other general Synod.

By which it is evident, That in order to draw the Right of Election out of the hands of the Princes, they have held for Tradition the direct contrary to that which they would have us this day believe, and which the Canoniſts teach: So that neceſſarily either the Canoniſts muſt err, or thoſe Authorities quoted by the Biſhop of *Lucca*. And if the electing their own Biſhops were a liberty which JESUS CHRIST had bequeath'd to every Church and Dioceſs, conſonant to the Doctrine of the Fathers and Councils, they are not ſo much in the wrong who ſay, That the Court of *Rome* hath put all the Churches in Chains and Bondage, under the colour of defending their Liberties *.

(*t*) Sacrorum Canonum non ignari, ut in Dei nomine ſancta Eccleſia ſuo liberius potiretur honore, adſenſum ordini Eccleſiaſtico præbuimus, ut ſcil. Epiſcopi per electionem Cleri & populi, ſecund. ſtatuta Canonum de propria Diœceſi, remota perſonarum & munerum acceptione ob vitæ meritum, & ſapientiæ donum, eligantur, ut exemplo & verbo ſibi ſubjectis, uſquequaque prodeſſe valeant. *Capitular. lib.* 1. *cap.* 78. *See the page* 2. *of Article* 15.

* See Article 7.

CHAP.

CHAP. XXXVI.

HAving ſet forth the various Methods whereby the Church has acquir'd her Riches, our Subject requires, that we ſhould now be as particular in the Methods taken to preſerve them. In order to which, in direct oppoſition to all the Practice of the Primitive Church, all ſort of Alienations are forbid. For tho' the Churches, after they were made capable by the Laws to acquire Eſtates, retain'd both theſe which were given in preſent or bequeath'd, the Biſhop had ſtill the liberty, not only to make uſe of the Revenues, but even to ſell the very Eſtates for the Maintenance of the Miniſters of the Altar, and Relief of the Poor * ; and to beſtow in Charities, according to the Exigencies of the Times: And this Power of Diſpenſation extended itſelf not only to the growing Rents, as in theſe Days, but to the Eſtates themſelves, and every Branch of Revenue. Which at firſt was adminiſter'd with great Fairneſs and Integrity, and without any inconvenient Conſequences, and continued to be ſo while the Churches were poor, and the Biſhops had but a little to manage, and were of ſmall Authority, which afforded them no Opportunities of great Tranſgreſſions. But when the Churches grew rich and powerful, a Fulneſs of Fortune, and the Reputation and Intereſt waiting on thoſe Circumſtances, brought the Biſhops into the Temptation of employing ſome part of the Revenues at their own pleaſure, and inſpir'd them with a Boldneſs to attempt things, which would

* Vide Can. 23, 24, & 26. Cauſ. 12, q. 1.

not

not ordinarily have been permitted; then they began to exceed all bounds of modesty, and then Dispensations of Charity grew into Dissipation and Profusion.

This made it necessary to provide against this Evil, but the Remedy was to come not from the Ecclesiasticks, but from the Seculars, who indeed had born all the loss: As for any Diminution of the Estates of the Church, the Poor, who had the last Part *, only felt it, and not the Clergy, who had the two first Parts.

As the Churches of *Rome* and *Constantinople* were the two principal and most considerable, it was proper to begin the Cure there. Accordingly *Leo* the Emperor, by an Edict (1), in the Year 470, forbad all sort of Alienations in the Church of *Constantinople*. And in the Year 483, *Basilius Cecina Præfectus Pretorio*, Captain of the Guards to *Odoacer* King of *Rome*, by a Decree made in the Church during the vacancy of the See, upon the death of Pope *Simplicius* (2), order'd, that the Estates of the Church should not be alienated: and to the three succeeding Popes (3) nothing appear'd extraordinary in all this. But *Odoacer* being extinct, and all his greatness with him, Pope *Simmachus* in the Year 502, assembled (4) a Council of all *Italy*, in which he represented as a great Absurdity, That a Lay-man

* See the Articles or Chapters 7 and 9.

(1) This is Cod. 14. *de sacro-sanctis Ecclesiis*, which is the Law of *Leo* and *Anthemius*.

(2) *Odoacer*, saith *Machiavel*, having possess'd himself of the Empire, kill'd *Orestis*, and put to flight his Son *Augustulus*, quitted the Title of Emperor, and made himself be call'd King of *Rome*: That *Rome* might change its Title, as well as its Prince. *lib.* 1. *Hist. of* Florence.

(3) *Felix* II. according to others III. *Gelasius* I. and *Anastasius* II.

(4) At *Ravenna*.

ſhould make Conſtitutions in the Church; and with the Advice of that Council, declar'd them invalid: But to avoid the Suſpicion of his deſigning to foment any farther Diſorders, it was decreed in the ſame Council, That neither the *Roman* Pontiff, nor any other Miniſters of that Church, could alienate any of her Eſtates (5); withal declaring, that this Decree was not intended to bind any other Church than that of *Rome* only.

Succeeding times made it evident, that the ſame Law was as neceſſary in all the other Churches: And therefore *Anaſtaſius* extended the Law of *Leo* to all the Churches ſubject to the Patriarchate of *Conſtantinople*, prohibiting them alſo to alienate (6).

But in the Year 535, *Juſtinian* made a general Edict, which comprehending all the Churches of the Eaſt, the Weſt, of *Africk*, and even all Religious Places, which forbad all Alienations to any purpoſe whatſoever, unleſs in the Caſe of ſuſtaining the Poor in the time of ſome extraordinary Famine, or for redeeming Captives (7); in which two Caſes, Alienations were not only allow'd conformable to ancient Cuſtom, but St. *Ambroſe* maketh mention, that the Eſtates of the Church, and even the conſecrated Veſſels (*a*), might be ſold.

(5) This Canon is reported by *Gratian, Cauſ.* 12. *q.* 2. *Canon. Non liceat*, 20.

(6) It is the 17th Law, *Cod de ſacro-ſanctis Eccleſiis.*

(7) It is the Novel 7th, *cap.* 1. *tit.* 1. *coll.* 2.

(*a*) Pro redemption. Captivorum, *ſaith St.* Thomas, & aliis neceſſitatibus pauperum, vaſa cultui divino dicata diſtrahuntur, ut Ambroſius dicit 2a. 2æ. quæſt. 185. art. 7. in reſp. ad 3. Videtur, *ſaith* Cajetan, Ibid. quod in caſu neceſſitatis pauperum poſſet portio Eccleſiæ fabricæ debita pro pauperibus diſpenſari — Nam principalis intentio juris ad fabricas vivas refertur.

This

This Law of *Juſtinian* was obſerv'd in the Weſtern Empire (8), whilſt *Rome* remain'd ſubject to the Emperors of the Eaſt; and there are many Letters extant of St. *Gregory*, which make mention of Goods alienated for the Redemption of Chriſtian Slaves: And for the Space of 200 Years, from *Pelagius* II. to *Hadrian* I. (9), the *Roman* Church was at an incredible Expence to redeem themſelves from the Ravages of the *Lombards*, to ſave their Towns that were beſieg'd, and to purchaſe Safeguards for the Country (10): And the ſame Pope *Gregory* gives a clear and ſatisfactory Teſtimony of this Matter in his Time.

The current Doctrine which is advanc'd at this Day, that the Goods and Eſtates of the Church are exempt from the publick Taxes, found no countenance in thoſe days; but on the contrary, thoſe Eſtates were the firſt that were employ'd, before any Contributions were laid on private Families. And it never yet came into Diſpute, whether Princes have Authority to make Laws, which, beſides the Force of Cuſtom and Preſcription, is founded on the ſtrongeſt Foundation, if we conſider theſe Goods as the Goods of the Church; that is, that they belong'd to the whole Body or Community of Believers (11), and conſequently, that it was in-

(8) This Law was confirm'd by *Charlemaign*, as to the Churches, which were *ſub ditione Romana*, lib. 2. Capitular. cap. 29.

(9) *Pelagius* was choſen in 579. and *Hadrian* in 772.

(10) See *chap.* 9. of the Conſtitutions of *Emanuel Commenius*, who began to exempt the Churches of the Eaſt from thoſe Payments; and the *Law* 1. of the *Theodoſian* Code, de *annona & tributis*, & *ibi Gothofred*, as alſo the *Canons* 21, & 22. *Cauſ.* 23. *q* 8.

(11) For in the firſt Ages of Chriſtianity, the Name of the Church was common to all the Congregation of the Faithful, as well as the temporal Eſtates of the Church.

incumbent on the Prince, to provide for their Preſervation.

After the Empire was eſtabliſh'd in *Charlemaign*, and the *Roman* Laws had loſt their force, the Abuſe crept in again; which occaſion'd ſeveral Prohibitions in ſeveral Councils (12), chiefly in *France*, where the Diſſipations of the Church Eſtates were moſt extravagant (13). But after the Popes had inſinuated

(12) The Councils of *Meaux* and *Beavois*, held in 845. *Can.* 17 and 18. of the firſt, *Can.* 3. and 4 of the 2d *Concil. Agathenſe anni* 506. *ſub Clodoveo*, *Can.* 7. Caſellas vel mancipiola Eccleſiæ Epiſcopi, ſicut priſca canonum præcepit authoritas, vel vaſa miniſterii, quaſi commendata fideli propoſito, integro Eccleſiæ jure, poſſideant, id eſt, ut neque vendant, neque per quoſcunque contractus, res, unde pauperes vivunt, alienare præſumant. Quod ſi neceſſitas certa compulerit, ut pro Eccleſiæ aut neceſſitate, aut utilitate vel in uſufructu, vel in directa venditione, aliquid diſtrahatur, apud duos vel tres Comprovinciales, vel vicinos Epiſcopos, cauſa qua neceſſe ſit, vendi, primitus, comprobetur, & habita diſcuſſione ſacerdotali, eorum ſubſcriptione, quæ facta fuerit venditio roboretur. Aliter facta venditio, vel tranſactio non valebit.

(13) If the Biſhops of *France* did not make waſte of the Church Eſtates, it was not for the Reaſon *Fra. Paul* gives that the *Roman* Laws were no longer in force there; but becauſe neither the Conſtitution of *Leo* in 470, nor that of *Anaſtaſius*, nor of *Juſtinian*, were comprehended in the *Theodoſian* Code, which had been publiſh'd in 438. which was 32 Years before the Edict of *Leo*. For the *Gallican* Church acknowledg'd no other Laws, than thoſe of this Code.

Ut omnis Ordo, *ſaith the Capitular of* Lewis the Debonair, ſecundum legem Romanam vivat. *tom.* 1. *pag.* 690,

Hoc etiam volumus, ut qualiſcunque Francus Ripuarius ſervum ſuum pro remedio animæ ſuæ ſecund. legem Romanam liberum facere voluerit, ut in Eccleſia coram presbyteris, diaconis, ſeu cuncto Clero, & plebe in manu epiſcopi ſervum cum tabulis tradat, & Epiſcopus Archidiacono jubeat, ut ei tabulas ſecundum legem Romanam qua Eccleſiæ vivunt, ſcribere faciat. *Regino. lib.* 1. *de Eccleſiaſtic. diſciplinis*, *cap.* 405. *Janus a Coſta ad tit. Extra de ſervis non ordinandis*, *pag.* 116. So that it is no wonder if *Charlemaign* permitted the Biſhops

inſinuated themſelves into the greateſt Share of the Government of other Churches, finding the general Prohibition to prevent Diſſipations, render'd in a great meaſure ineffectual by the Biſhops, who found Pretexts to except all particular Caſes out of the general Law, they made divers Ordinances *, from the Year 1000, until 1250, in which were preſcrib'd certain little Forms of Solemnity and Ceremony, which the Biſhops were oblig'd to obſerve, and which ſerv'd as ſome Reſtraint and Check to this Profuſion †. And *Gregory* X, § in the Council of *Lyons*, held in the Year 1274, order'd, that beſides theſe Forms, Alienations ſhould not be good without Licence from the Pope: which hath been, and is obſerv'd to this day; no Alienation being ever allow'd, unleſs the Utility of it be evident.

But this Utility hath not fail'd to be particularly remark'd and cenſur'd as a real Injuſtice. For tho' the End of all Contracts is to make things equal, an Advantage on one ſide turning to the Detriment of the other; yet the Canoniſts have ventur'd to determine the Utility which the Church ought to receive in alienating; ſome of them having been pleas'd to ſay, that it ought to be a 3d Part of the Value, others, a 4th: Which hath intirely put an end to the Cuſtom of ſelling Eſtates to maintain the Poor in an extraordinary Famine, or to redeem Slaves; ſince in their Conſtruction, this muſt have

ſhops to diſpoſe the Eſtates of the Church, *Capitular.* 3. *incerti anni, cap.* 3. *tom.* 1. *column.* 527. Nor if in the *German* Laws, *tit.* 20. the Alienations of theſe Goods be forbid to none but the Prieſts, *tom.* 1. *Capitular. col.* 62

* See the Canon, Alienations Cauſ. 12. q. 2. ann. 1123.

† See the Chap. 1. de rebus Eccleſiæ non alienandis in Sexto.

§ Chap. 2. de rebus Eccleſiæ non alienandis in Sexto.

turned to the Loſs, and not the Advantage of the Church.

And thus Things ſeem to be inverted: To ſell and give to the Poor (*b*,) which in former Times was the higheſt Chriſtian Perfection, would, at this day, incur great Cenſures: And it now conſiſts in retaining the Poſſeſſions of the Church, without a Power even of making any Exchanges, or changing the Property of them on any occaſion whatſoever, unleſs upon an evident Advantage: And the Laws againſt Alienations, which were begun in favour of the Laity againſt the Church-men, are now turn'd in their favour, againſt the Laity.

(*b*) Omnes, qui credebant, poſſeſſiones & ſubſtantias vendebant, & dividebant illa omnibus, prout cuique opus erat, *Act. Apoſt.* 2.

Vendite quæ poſſidetis, & date Eleemoſynam, *Lucæ* 12.

Si vis perfectus eſſe, vende quæ habes, & da pauperibus, *Matth.* 19.

Si neceſſitas immineat pauperibus erogandi, *ſaith St.* Thomas, ſuperflua cura eſt, & inordinata, ut aliquis in futurum conſervet (bona Eccleſiæ) quod Dominus prohibet. *Matth.* 6. Dicens, nolite ſoliciti eſſe in craſtinum. *2a. 2æ. quæſt.* 185. *art.* 7. *in fine.*

CHAP.

CHAP. XXXVII.

BUT to return to the Declaration of *Clement* IV. and *Clement* V. and the avow'd Doctrine of thoſe times, which gives the Pope the Right of concurring with all Collators of Benefices, and even of preventing them: This prov'd of no great advantage, except from the vacant Benefices in the neighbouring Places to *Rome*, where the Vacancy would ſoon be known. As for thoſe which happen'd in Places remote, the Power of concurring or of preventing was of no ſervice to the Court, becauſe the Ordinary would have diſpos'd, before the other could have notice of the Vacancy.

This put the Court upon an Expedient, which made an univerſal Change as to the Benefices, and intirely deſtroy'd the ancient Inſtitution throughout the whole Catholick Church. This was the Reſervation, a Decree, whereby the Pope declares before a Benefice be vacant, That no Perſon ſhall take upon him to confer it when it ſhall be vacant; and that if any Collation ſhall be made, it ſhall be void.

And becauſe this Matter was ſo odious in the World, (as all the Comments that are made upon it confeſs) that it was to be uſed very ſparingly, and great Management was requir'd in preparing and making it to be receiv'd; the abſolute Reſervation which *Clement* IV. had made of all Benefices, *vacantes in Curia*, appear'd too ſevere: Therefore *Gre-*

gory X.(1), restrained it to a Month only; at the end of which he allow'd the Collators to make the ordinary Provisions.

Clement V.(2) added to this, the Reservation of the Benefices of the Cathedral Church, and of the Monastery of St. *Crosi* of *Bourdeaux* for one Time, or Presentation only (3).

(1) Statutum Clementis Papæ prædict. nostri de dignitatibus, & beneficiis in Curia Romana vacantibus, nequaquam per alium quam per Rom. Pontificem conferendis decernimus taliter moderandum: ut ij ad quos eorundem beneficiorum spectat collatio, statuto prædicto non obstante, demum post mensem a die quo beneficia ipsa vacaverint, numerandum ea conferre valeant, 6 *Decretal.* 3. *tit. de præbendis, cap.* 3. Nos tot malis occurrere cupientes, omnes & singulas dispensationes sub receptione, aut retentione plurium dignitatum quibus cura animarum sit annexa--cuicunque personæ concessas (Cardinalibus tamen S. R. E. qui circa nos universali Ecclesiæ serviendo, singularum Ecclesiarum commoditatibus se impendunt, ac Regum filiis duntaxat exceptis) [*for at* Rome *the Cardinals* Regibus aquiparantur.] duximus taliter moderandas, quod per moderamen nostrum effrenatam talium beneficiorum multitudinem refrenemus, ipsique impetrantes fructu dispensationum hujusmodi totaliter non frustrentur. Statuimus itaque quod obtinentes nunc ex dispensatione legitima pluralitatem hujusmodi beneficiorum---unum tantum ex beneficiis, quibus cura imminet animarum cum dignitate, vel beneficio sine cura quod habere maluerint, possint licite retinere. *And one Page after,* Quæ omnia & singula beneficia vacatura, vel dimissa, nostræ & sedis Apost. dispositioni reservamus: Inhibentes ne quis, præter Rom. Pontificem de hujusmodi beneficiis disponere, vel circa illa per viam permutationis, vel alias, innovare quoquomodo præsumat. *Extravag. tit. de præb. cap. Execrabilis.*

(2) Who succeeded next to him.

(3) Specialiter Burdegalensem Ecclesiam, & monasterium sanctæ Crucis Burdegalensis, ordinis S. Benedicti—& generaliter Patriarchales, Archiepiscopales, Episcopales ecclesias, Monasteria, Prioratus, nec non Canonicatus Præbendas Ecclesias cum cura vel sine cura, & alia quælibet beneficia ecclesiastica, quæ apud sedem Apostolicam vacare noscuntur ad præsens, & quæ toto nostri Pontificatus tempore vacare contigerit in futurum, provisioni, collationi, ac dispositioni nostræ, & sedis ejusdem, hac vice, authoritate Apostolica reservamus. *Extrav. Commun.* 3. *tit. de præbendis, cap.* 3.

Pope

Pope *John* XXII. his Succeſſor, made a little larger Step, in a Conſtitution he made to reform the Plurality of Benefices, which prohibits the holding more than one Benefice with Cure of Souls, and the holding more than one without it, but with Diſpenſation; and with exception to the Cardinals, to which this was not to extend: Commanding farther, that thoſe who had more Benefices ſhould reſign them; and that for the future, whoever took a Benefice, who was poſſeſs'd of one already, ſhould reſign the firſt; which reſigned Benefices were to remain all at the Pope's diſpoſal. The Pretence for this Bull, which was to take away the Plurality of Benefices, was very ſpecious: And tho' the Reſervation it contain'd had no other End than advancing the Intereſt of the Church of *Rome*, however this was made to paſs only as an acceſſory Advantage, and not the chief Deſign; and which at the firſt View ſeem'd to be without Conſequence, becauſe the End to which it tended, did not then diſcover itſelf.

The many profitable Examples this Pope hath left to his Succeſſors of heaping up Wealth by the Collation of Benefices, make it neceſſary to dwell a little longer upon this Head. Many Biſhopricks he divided (4), and when a rich Benefice was vacant, he gave it commonly to one who poſſeſs'd

a

(4) Adeo rebus novis ſtuduit, *ſaith* Platina *in his Life*, ut & ſimplices Epiſcopatus bifariam diviſerit, ac diviſos in unum redegerit, & Abbatias in Epiſcopatus, & Epiſcopatus in Abbatias viciſſim tranſtulerit. Novas quoque dignitates nova Collegia in Eccleſiis conſtituit, &c. He divided that of *Toloufe* into five, erecting it into an Archbiſhoprick, and making Suffragans the four Cities which he diſmembred from its Dioceſs, *viz. Montauban, Lavaur, Rieux*, and *Lombez*. He likewiſe aſſign'd *Pamiez* to it, which *Boniface* VIII. had placed under *Narbon*,

a leſſer Benefice already, that this might be given to another: And he manag'd ſo well, that he made one Vacancy ſometimes produce ſix Preſentations; removing always from a leſſer Benefice to a greater, and filling the leaſt Benefice with a new Beneficiary; ſo that Money was drawn from every one of them, and every one contented.

Narbon, of which laſt, *Alet* and *St. Pons de Tomiers* were made Suffragans by a New Erection. He diſmembred *Caſtres* from the Biſhoprick of *Albi*, *St. Flour* from the Church of *Clermont*, *Vabres* from that of *Rhodes*, and *Tulles* from that of *Limoges*, and placed them under the Archbiſhoprick of *Bourges*.

CHAP. XXXVIII.

THIS Pope invented likewiſe the *Annates* (1), an Impoſition upon Benefices never before heard of, and which, for ſome time, occaſion'd great Scandals.

When the Emperors or Kings conferr'd any Benefice, if thoſe who were Candidates made any Preſent, or agreed to pay out any part of the Revenues as a Conſideration for obtaining it, the Popes inveigh'd ſharply againſt it, alledging that Paſſage in

(1) It is not certain whether *John* XXII. invented the *Annates* or not, *Platina* aſcribes them to *Boniface* IX. Tum vero Bonifacius, *ſaith* Platina *in his Life*, ſive vice-comitum potentiam veritus, ſive augendæ ditionis Eccleſiaſticæ cupidus, Annatarum uſum beneficiis Eccleſiaſticis primus impoſuit, hac conditione, ut qui beneficium conſequeretur dimidium annui proventus fiſco Apoſtolico perſolveret. Sunt tamen, qui hoc inventum Joanni XXII. aſcribant. See *Guimier ad tit. de Annatis in pragmat. ſanct. verbo, Annatarum, pag.* 468. *Edit. Franc. Pinſon.*

the

the Goſpel, *Gratis accepiſtis, gratis date*, Matth. 10. calling ſuch a Contract Simoniacal, and a ſetting to ſale Spiritual Things: And ſome Popes went ſo far as to call it Hereſy. Others again there were, who refining upon it, made great diſtinction betwixt the Miniſtry of JESUS CHRIST, which conſiſted in Binding and Looſing, and the temporal Poſſeſſions annexed to Benefices; and that there was no Inconveniency in Princes aſſigning ſome part of theſe Temporalities to the Service of the State (2); of which Matter there was a ſolemn and publick Diſcuſſion.

But this Reaſoning did not ſatisfy learned and pious People; for tho' the Revenues of Benefices are certainly Temporalities, yet the Right or Title by virtue of which they are enjoy'd, is a Spirituality. And ſo far it was generally then allow'd, as it is at this day, that the Popes had reaſon to condemn this Practice, and call it Simony. And it was the firſt occaſion taken by them, to deprive Princes of the Collations of Benefices.

But after the Popes had aſſum'd a great part of the Power to themſelves, of which they had ſtripped the Emperors, *John* XXII. in the Year 1316, made a Decree, That for three Years, whoever obtain'd a Benefice of more than 24 Ducats of yearly Rent, ſhould pay one Year's Value for Expedition of his Bulls *: Which at the Expiration of the three

(2) Thoſe who had the Power of preſenting, ſays the Author of the Council of *Trent, lib.* 6. ſeeing, that beſides a ſpiritual Power, they convey'd Temporalities withal, *viz.* the Revenue of the Benefice, they thought they had a Right to ſome temporal Conſideration, and therefore thoſe who obtain'd a Benefice, were oblig'd to comply with the Condition of the Collator.

* See the Chapter *Cum nonnullæ* 11. *tit.* 2. *de præbendis & dignitat. in Extravag. Communi.* And the Decretal of *Clem.* VII. *chap.* 2. *de Annatis in* 7. *Decretal.*

Years

Years came to be renew'd again, as well as continu'd by his Succeſſors, tho' in divers places it met with Oppoſition: Some Places coming to an Agreement to pay only the half of the *Annate*, others to pay only for ſome particular ſort of Benefices, and that the reſt ſhould be exempted.

This Tax was reckon'd very heavy upon private Families; for the *Annate* being paid out of their own Fortune, the Incumbent run the hazard of dying before he reimburſed himſelf (3). Princes likewiſe found it a mighty Grievance, by its draining their Countries of ſo much Treaſure, without making any ſort of Return: Beſides, that this Exaction being attended by a Train of other Expences in Bulls, Diſpenſations, and other preparative Preſents, the Money, which is the Sinews of Power, was irretrievably ſunk, contrary to the courſe of other Trafficks.

When firſt the Pope introduced this Novelty, the Generality of People were not capable of diſcerning the Difference betwixt this Payment and that which had been ſo much decried, when Princes conferr'd the Benefices: But all the Learned Men of thoſe times univerſally condemn'd it as Simoniacal (*a*), from its firſt Eſtabliſhment. In proceſs of time,

(3) It was for this Reaſon that *Bernard del Bene* Biſhop of *Niſmes*, ſaid to the Council of *Trent*, That he could not approve the *Annates*, neither as to the Proportion, ſeeing a 20th Part of the Income he thought ſufficient, nor as to the Time of Payment; it not ſeeming reaſonable that any Payment ſhould be made before the End of the Year, *Fra. Paolo. lib.* 8. *Conc. Trent.*

(*a*) Sæpe quæſitum eſt, *ſaith a great Lawyer*, an jure poſſit exigi, & hæc fere Theologorum eſt opinio juriſque Pontificii conſultorum, Roman. Pontificem lege Simoniaci ambitus ut cæteros Epiſcopos teneri, ſi pro ſacris miniſteriis pecuniam accipiat. *Not. in cap.* 1. *de Simon.*

Nam,

time, ſome of the Doctors ſet themſelves on work to defend it: So they grew divided in their Opinions; ſome cenſuring it as unlawful, ſimoniacal, and prohibited both by Laws Divine and Human; others defending it as a thing allowable, and as a Right belonging to the Pope; even to the maintaining, that the Pope might of right demand not only the *Annate*, but more if he thought fit, as being the abſolute Patron or Maſter of all the Fruits without exception: And laſtly, others, to give the finiſhing Stroke, went ſo far, as indeed they could go no farther, and declar'd, That whatever Contract the Pope ſhould make in the Collation of Benefices, he could not be guilty of Simony (*b*). Which, if it were true, that all the Goods of the Church were his, were an undeniable Conſequence, ſeeing every Man may make what Contracts he pleaſes in the Management of his own Eſtate, without

Nam præter Canones qui pecuniam omnino exigi vetant, hoc genus vectigalis a ſynodo Baſilienſi damnatum eſt, & pœna ambitus adverſus eos, qui hac via ad ſacra miniſteria Eccleſiæ graſſantur, & adeo adverſus ipſum Pontificem ſtatuta, *Seſſ.* 21. Nec ſatis perſpicio, ut ſe excuſare poſſint hoc modo promoti a Pontifice quominus in Canonum pœnam incurrant, & tanquam vitio creati, ut veteres loquebantur, dignitatem honoremque Eccleſiaſticum amittant, ſi quis ad priſcæ Inſtitutionis Normam potius, quam receptæ conſuetudinis, hæc exigere velit. Nam quoquo ſe vertant Pontifices, quibuſcumque decretis, conſtitutionibus, pactiſque hanc exactionem tueantur divinum oraculum ſemper iis opponemus, gratis accepiſtis, gratis date. *Gloſſ. prag. tit. de Annatis Duar. de benef. lib.* 6. *cap.* 3.

Vide Nic. de Clemangis de Annatis non ſolvendis.

(*b*) St. *Thomas* contradicts this in expreſs Terms: Papa, *ſaith he*, poteſt incurrere vitium Simoniæ, ſicut & quilibet alius homo, quamvis enim ſit Eccleſiæ ſint ejus ut principalis Diſpenſatoris, non tamen ſunt ejus ut Domini & poſſeſſoris. Et ideo ſi reciperet pro aliqua re ſpirituali pecuniam de reditibus Eccleſiæ alicujus, non careret vitio Simoniæ. *2da. 2dæ. quæſtio* 100 *art.* 1.

Injury

Injury to any other. But in this Caſe there ſeems to be a conſiderable Objection, which is, That neither GOD nor Man have ſeem'd to give their Conſent to it.

In fine, *John* XXII. was ſo intent upon making the moſt of every thing, that in the Space of 20 Years he heap'd up an immenſe Treaſure: And tho' he put no more Reſtraint upon his Expences or his Bounties, than his Predeceſſors; yet he left 25 Millions at his Death. *John Villars* ſaith, that in an Inventory of this Pope's Eſtate, which his Brother made by Order of the ſacred College, he found 18 Millions of coined Money, and 7 Millions valued in Plate and Ingots (4).

The

(4) *Platina* hath Reaſon to ſay, at the End of his Life, that no Pope ever left ſo much: And it is obſervable what *Platina* relates in the Beginning of his Life, that this Pope declar'd all thoſe for Hereticks, who affirm'd that Jeſus Chriſt and his Diſciples had no Property in any Goods.

Eos, *ſaith he*, declaravit pertinaces & hæreticos, qui affirmaverunt Chriſtum, & ejus diſcipulos nil privati vel proprii habuiſſe; quod certe, *adds he very pertinently*, non multum cum ſacra ſcriptura convenit, quæ multis in locis teſtatur Chriſtum ejuſque diſcipulos nil proprii habuiſſe, ut illud Evangelii: Qui non vendiderit omnia quæ habet, & pauperibus dederit, non poteſt meus eſſe diſcipulus [*the expreſs Words of the Goſpel are*, Omnis ex vobis qui non renunciat omnibus quæ poſſidet, non poteſt eſſe meus diſcipulus; *Lucæ* 14.] It is certain, that *John* XXII. knew better, but as a good Canoniſt he pretended to be of this Opinion, the better to eſtabliſh that which made him abſolute Maſter of all the Goods of the Church: Whereas he is really no more than the principal Diſpoſer of them; as St. *Thomas* ſheweth in the Article I. juſt now quoted.

To this Reflection I will add another, which is, That the *Gallican* Church hath never been more burden'd nor more injur'd in its Rights, as to the Collation of Benefices, than by the *French* Popes: Witneſs the Bulls of *Clement* IV. V. and *John* XXII. reported by the Author; and what *Mezeray* ſaith of *Clement* VII. Pope of *Avignon:*

The *Annates* at the Time of its Inſtitution, were only paid for the Expedition of Bulls for Benefices, as they were fill'd up. But afterwards it was laid on all ſuch Benefices, to be paid every 15 Years (*c*), as by being annex'd to Monaſteries and Hoſpitals, were never vacant; from whence this Tax had the Name of *Quindennium* *. *Paul* II. laid it (5) only on the Benefices united by the Popes, ſince the Year 1417. But *Paul* IV. extended it to all Benefices united before that time: And *Sixtus* V. took in not only thoſe which had been united by the Apoſtolick See, but all ſuch as ſhould be united by Legates, Nuncio's, Biſhops and any others.

But to return to the Original of *Annates*; Thoſe who oppos'd this Invention of *John* XXII. with a Zeal to hinder its ſpreading farther, did not obtain their Ends; but, on the contrary, contributed to the Defence of them, and to furniſh the Popes with an Occaſion of extending the Impoſition yet farther: Juſt as the Oppoſition, made alſo in thoſe Days, to the Reſervations, produc'd the ſame Ef-

Avignon: [All the Exactions and Violences, ſaith he, in the Life of *Charles* VI. cannot be related without Indignation, which were committed upon the Clergy. The 36 Cardinals of *Avignon* were ſo many Tyrants, they had every where their Officers with expectative Graces, which ſwept away all the Benefices; the Offices of the Cloyſter [*les offices Clauſtreux* in the *French*] the Commanderies retain'd the beſt of theſe, and ſold the other or let them to Farm: *Clement* himſelf, beſides poſſeſſing himſelf of all the Spoils of the Biſhops, and of all the Abbots that dy'd, and his taking one Year's Rent of all Benefices on every change of the Titulary, whether it happen'd by Vacancy, Reſignation, or Exchange, ravaged the *Gallican* Church by an Infinity of Violences and extraordinary Taxes.

(*c*) Propterea quod beneficia unita hujuſmodi amplius vacare non ſperaretur, & exinde Camera & Officiales ſedis Apoſt. detrimentum non modicum pateretur.

* See Chapters 4. and 5. *de Annatis in* 7. *Decretal.*

(5) Near the Year 1470.

fect; the Court of *Rome* never failing to get any Abuſes juſtify'd by ſuitable Doctrines.

And therefore *Benedict* XXII. (6), Succeſſor to *John* XXII. under the Affectation of more care in providing proper Perſons, and ſuch as were every way fitted for their charge, reſerv'd to himſelf, but for his own Life only, the diſpoſal of all the Benefices vacant *in Curia*, as had been formerly practis'd, as likewiſe of all vacant by Deprivation, or Tranſlation to other Benefices; of all ſuch as were reſign'd into the Pope's hands, of all that belong'd to Cardinals, Legates, Nuncio's, Officers of the Court, Treaſurers of the Church Eſtates, and to ſuch as were carried to *Rome* upon buſineſs, and happen'd to die either going or coming, about 40 Miles diſtant from the Court; and laſtly, of all Benefices vacant by the Incumbents having taken another *(d)*.

Theſe

(6) *James Tournier*, Monk of the Order of Native of the Dioceſs of *Pamiez* in *Languedoc*, choſen *Decemb.* 20. 1334.

(d) Gerimus in noſtris deſideriis, ut debemus, quod per noſtræ diligentiæ ſtudium ad quarumlibet Eccleſiarum & Monaſteriorum regimina & alia beneficia Eccleſiaſtica viri aſſumantur idonei, qui præſint, & proſint——Omnes Patriarchales Archiepiſ. & Epiſcopi Eccleſias, & etiam Monaſteria, prioratus, dignitates perſonatus, nec non Canonicatus & Præbendas, cæteraque beneficia Eccleſiaſtica cum cura vel ſine cura, *&c.* Nunc apud ſedem Apoſtolicam quocunque modo vacantia, & in poſterum vacatura, nec non per depoſitionem, vel privationem, ſeu tranſlationem, aut muneris conſecrationis ſuſpenſionem per fel. rec. Joannem Papam XXII. ſeu ejus auctoritate factas, & per nos, ſeu authoritate noſtra faciendas ubilibet: Nec non ſi—renunciationem admitti per nos, vel authoritate noſtra contingeret apud ſedem prædictam. Ac etiam per obitum Cardinalium & Officialium dictæ ſedis—— & quorumcunque legatorum, ſive nunciorum, ac in terris Eccleſiæ Romanæ rectorum & theſaurariorum——nunc vacantia & in antea vacatura, ubicunque dictos legatos vel nuncios, ſeu rectores aut theſaurarios, antequam

Theſe Reſervations ſo comprehenſive, and which ſo much reſtrain'd the Authority of the Ordinaries, and brought ſo many Benefices into the hands of Foreigners; yet being declar'd to take place only during the Life of this Pope, were let paſs and admitted. But it was not to be imagin'd that any thing once eſtabliſh'd, by him that has the Power, a Prince ſo much for his Intereſt (*e*), tho' for ſo ſhort a Period, would ever be limited within its firſt Bounds.

Clement VI. (7) Succeſſor of *Benedict* XII. made the ſame Reſervations. This induc'd *Edward* III. King of *England*, who ſaw all the Benefices of the Kingdom falling into the hands of Foreigners, by means of Reſervations and expectative Graces, to forbid, on pain of Death, any proviſional Benefices made by the Pope, to be receiv'd within his Kingdom. The Pope wrote with great Concern to the King, deſiring him to revoke his Orders. The King, in anſwer, beſeech'd him to make a Refor-

antequam ad Rom. curiam redierint, ſeu venerint, rebus eximi contigerit ad humanis. Nec non quorumlibet pro quibuſcunque negotiis ad Rom. curiam venientium, ſeu etiam recedentium ab eadem, ſi in locis a dicta curia ultra duas diætas legales non diſtantibus, *viz.* [*in places not diſtant more than two good Days Journies from* Rome] jam forſan obierint, vel eos in antea tranſire contigerit de hac luce——Nec non etiam, quæ per effecutionem quorumcunque prioratuum, dignitatum, & aliorum beneficiorum collatorum, & conferendorum in poſterum, nunc vacantia, & in antea vacatura, diſpoſitioni & proviſioni noſtræ, donec miſerationis divinæ clementia nos univerſalis Eccleſiæ regimini præſidere conceſſerit, reſervamus, *&c.* *This Decree is in* January, 1335.

(*e*) Quæ gravia ac intoleranda ſed neceſſitate armorum excuſata etiam in pace manſere, *ſaith* Tacitus, Hiſt. 2. *that is to ſay*, The Exactions were excus'd as neceſſary, during the War, yet they ceas'd not in Peace. When a Right is once eſtabliſh'd, 'tis no longer in the power of Subjects to hinder its being perpetuated, and even encreas'd.

(7) *Peter Roger* Archbiſhop of *Roüen*, Son of the Lord of *Roſe* in *Limoſin*.

mation in Things which were an apparent Dishonour to the Church, and a Scandal to the People: That the Princes, his Ancestors, had enrich'd the Churches of *England*, which were now fill'd with Strangers and unworthy Persons, contrary to the Will of the Testators: That his Kingdom was sensibly impair'd every day, by the Impositions of the Court of *Rome:* That the Popes were certainly design'd to feed, and not to fleece the Sheep: That the Kings, who had heretofore dispos'd all the Benefices, had since granted the Election to the Clergy at the Pope's Request; and now they would set those Elections aside, tho' introduced by themselves, and usurp the Disposition to themselves: That, finally, there was a Necessity of returning to the old Usage, which was, That the Princes should confer the Benefices themselves (*f*).

This Difference, which lasted during the Life of this Pope, however brought his Successor *Innocent* VI. (8), to revoke all his Reservations (*g*), by a

(*f*) Cui Papæ Rex Angliæ de concilio Cleri, & populi Anglici rescripsit, quod in concessiones hujus, quas ipse Papa faceret, præsertim advenis, qui thesauros Ecclesiæ deferrent, & in provisiones Prælaturarum nullatenus consentiret, quia cum olim Reges Angliæ Ecclesiarum Patroni de consensu sedis Apostolicæ Capitulis concesserint electionem, si Papa pacta hujusmodi non servaret, res in pristinam reverteretur naturam. Albertus Argentinensis *in Chronico. anno* 1342.

(8) *Stephen* of *Albert*, of the Country of *Limosin*, Bishop of *Clermont*.

(*g*) Mortuo Clemente Papa infra 14 dies electus est concorditer Stephanus de Prinu, Claremontensis Francus, qui fuerat summus Pœnitentiarius Clementis, & Ostiensis Episcopus, & vacatus est Innocentius VI. qui in die Epiphaniæ Domini postmodum coronatus statim revocat omnes Reservationes factas per Papam Clementem, exceptis majoribus prælaturis, & in omnibus ostendit se rigidum etiam erga Cardinales. In eodem Chronico, *anno* 1352. *Nauclerus ad ann.* 1352. *vol.* 2. *generatione* 46.

Bull,

Bull, which begun with the Word *Paſtoralis:* Of this Bull many famous Canoniſts make mention, tho' at this day it is not extant, any more than many others, whereby thoſe Abuſes and Uſurpations would have been laid open: as by the ſame Arts, the Gloſſes or Interpretations have been robbed of every thing that made not for the Pretenſions of the Court of *Rome.* But the *Indices Expurgatorii* (9), carry yet a much worſe Face, which were made

(9) The Churchmen, ſaith our Author, in his Treatiſe of the Inquiſition, have caſtrated all the valuable Books, and ſuppreſs'd every thing which might ſerve for Defence of the temporal Authority.

In the Year 1607, a Book was printed at *Rome,* call'd *Index Expurgatorius,* in which all the guilty Places were mark'd and condemn'd, as deſerving to be cut out of certain Authors: Which make it diſcernable at the Inſtant, which are the Paſſages which have been changed or ſuppreſs'd in ſeveral Authors of good Reputation, that had the misfortune to maintain the Authority given by God to Princes.

So that it is not poſſible at this day to know the Senſe of one of theſe Authors by reading his Book, there being no other Edition to be found, than that which hath been ſo corrected by the Court of *Rome.* But that which appears of all the moſt incredible, if it were not to be ſeen in Print, is, the Decree made by *Clem.* VIII. in the Catalogue of forbidden Books, of the Edition of the Year 1595. that all the Books of Catholick Authors, wrote ſince the Year 1515, ſhould be corrected, not only by retrenching what was not conformable to the Doctrine of the Church, but alſo by adding what ſhould be judged proper. [In libris Catholicorum recentiorum qui poſt annum Chriſtianæ ſalutis 1515, conſcripti ſint, ſi id quod corrigendum occurrit paucis demptis, aut additis emendari poſſe videatur, id correctores faciendum curent, ſin minus, omnino deleatur. *De correctione librorum,* §. 3.] And tho' it is but ſix Years, ſaith he, ſince this Precept hath been publiſh'd, yet it hath conſtantly been put in practice for theſe 70 Years. If therefore the true Doctrine concerning the Authority of Princes, be no longer to be met with in Books, but another altogether in favour of the Church-men; we know who hath taken away the one, and ſubſtituted the other in its room. Finally, we may reſt ſatisfy'd, that we have no

made by the Doctors of the Church, subservient to that Church, of all Books; in order to accommodate them to its own Interests, before they were suffer'd to go abroad.

Some few Years after, the Reservations coming again to be reviv'd, and to gather Strength, the same King *Edward*, in the Year 1373, sent an Ambassador to Pope *Gregory* XI. then at *Avignon*, to press him to annul the Reservations intirely *: Which at length,

Book left on this Subject, genuine, and conformable to the Original.

And in the §. 2. it is said, That all Propositions which are against Immunities, and Ecclesiastical Jurisdiction, or which give Authority to that tyrannical Policy, which the Seculars falsly call Reason of State, are to be corrected: *Expurgandæ sunt propositiones quæ sunt contra libertatem, immunitatem, & jurisdictionem Ecclesiasticam.* Under colour of correcting or suppressing these Propositions, they expunge every thing that makes for the Interest of Princes, *Item quæ tyrannicam Politiam fovent, & quam falso vocant rationem status deleantur.*

By this way of reasoning, all Princes are Tyrants; for however just and religious they are, there can be no Government without a Reason of State, by which they act, and without which no Princes could maintain themselves in their just Rights. Thus *Fra. Paolo* hath good Reason to say, in *lib.* 6. *Conc. Trent*, [That the Court of *Rome* never found a more valuable Secret to make Mankind degenerate into Brutes, than to deprive them of the Knowledge which is necessary to defend them from its Usurpations.]

What therefore must be the Consequence, if our Magistrates continue to allow the Churchmen to suppress good Books? The Doctor, who hath placed the History of the Council of *Trent* in the Catalogue of prohibited Books, in the Year 1685. may, perhaps, have acted out of great Zeal; but some of the most able Men of the Kingdom have been of Opinion, his Learning was not suitable to his Zeal: And some have not scrupled to say, That in doing a great Service to the Court of *Rome*, he has done a great Disservice to the Crown of *France*.

* See *Nauclerus* in *Chronico*, *vol.* 2. *gener.* 36. & 47. *Albert Krantz in hist. Saxon. lib.* 10. *cap.* 4. & *in hist. Vandal. lib.* 9. *cap.* 6. & *Gaguin. lib.* 9. *cap.* 2. *in Carolo* V.

after

after two Years in agitation, were, in the Year 1375, totally aboliſh'd by this Pope.

But a great Schiſm ariſing in the Church upon his Death, which happen'd in the Year 1378, and produced two Popes, and conſequently two Courts, the neceſſary Expences to ſupport them were alſo doubled, to which muſt be reckon'd the extraordinary Occaſions for proſecuting the War with rigour againſt each other. Thus all Inventions for raiſing Money, and fleecing the People, were ſet on work with freſh Vigour (*h*): Simony appear'd no where ſo barefaced, the two Courts holding an open Market for Benefices (*i*); and every Eſſay was made, that was poſſible, to ſtrip the ordinary Collators of the Right of preſenting.

Hitherto the Court of *Rome* had not taken off the Mask, nor had ſo avowedly own'd that Paſſion ſhe had for Money, and that it was the ultimate End of all her Actions. She had hitherto condeſcended to give Reaſons for what ſhe did, that carried a

(*h*) Hæc revera de Romano Pontificatu altercatio multis incommodis, tum alias nationes, tum gentem Gallicam vexavit. Nam Cardinales 30 Clementis cauſam ſecuti exploratores per Franciam conſtituerant, qui Eccleſiarum opulentiores proventus inquirerent quas Rectoribus vacuas mox ſibi a Clemente obtinebant. Tulit quoque Clemens de vacaturis Eccleſiis legem quam expectativam gratiam appellabant, qua ad adipiſcendas morte poſſeſſorum Eccleſias fas juſque expectanti per Pontificem deſignato erat, ſolis ex hac lege Cardinalibus & potentioribus viris Eccleſiæ contingebant. Exigebantur præterea a Clero decimæ, & de majoribus Eccleſiis dum Paſtore orbatæ erant, primi anni proventus legebantur. Id annatam vocant, quam Cameræ Apoſtolicæ deberi Romani contendunt. *Gaguin. lib. 9. cap. 3. in Carolo VI. Vide Nic. de Clemangis de corrupto Eccleſiæ ſtatu, cap. 27. Juvenal, de Urſinis*, in the Life of *Charles VI. anno* 1381. *Allen Chartier* and *Nicholas Gilles anno* 1385.

(*i*) Tempore ejus (Bonif. IX.) valde infamis curia habebatur de labe Simoniaca, ut beneficia non tam meritis quam pecuniam offerentibus darentur. *Naucler. in Chronico, vol. 2. gener. 47. anno* 1389.

good Appearance to the World, either on pretence of providing better for the Benefices than the Ordinaries uſually did, or of preferring ſome Perſon of particular Merit (*k*).

But *Urban* VI. left it no longer to conjecture, why he concern'd himſelf with the Collation of Benefices, when he declar'd, That no Preſentation ſhould be good, where the Value (*l*) was not expreſſed.

Heretofore Benefices were given chiefly for ſpiritual Purpoſes, the temporal Part was an acceſſary and an accidental Circumſtance of Convenience only, and not of the firſt Conſideration: But afterwards the ſpiritual Part was no more ſpoken of, nor the Office or Duty any longer regarded, but the Profits.

(*k*) Etſi, *ſaith* Clement V. in temporalium diſpoſitione bonorum habenda ſit diſcretionis cautela, præcipue eſt ut ea digne & laudabiliter diſponatur in Eccleſiaſticis tamen rebus multo fortiùs inviligare noſtra debet intentio, ut juxta perſonarum conditiones & ſtatus ad divini nominis laudem & ipſarum utilitatem provideatur ex merito Eccleſiaſticis perſonis: Cum juxta canonicas ſanctiones nil ſit quod Eccleſiæ Dei magis officiat, quam quod indigni aſſumantur ad regimen animarum. *Extravag. Comm. l.* 3. *tit. de Præbendis, cap.* 3.

(*l*) Item voluit quod in gratiis quas quibuſvis perſonis de beneficiis vacantibus, ſeu certo modo vocaturis, fieri contigerit, illorum & aliorum quorumcumque beneficiorum quæ dictæ perſonæ tunc obtinuerint, ſeu de quibus his fuerit proviſum vel conceſſum, vel mandatum providere verus annuus valor per Marcas argenti, aut Sterlingorum, vel libras Turonenſium parvorum, ſeu florinos auri, aut ducatos, vel uncias auri, ſeu aliam monetam ſecundum communem æſtimationem exprimatur, niſi perſonæ prædictæ beneficia, quæ tunc obtinuerint, aut in quibus, vel ad quæ jus eis competit, juxta ipſarum obligationes, aut alias dimittere teneantur, alioquin gratiæ prædictæ ſunt nullæ. *This Decretal of* Urban *is become a Rule in Chancery, and is the* 55*th of the Rules or Orders of the Apoſtolick Chancery, publiſhed by* Innocent XIX. Vide Rebuff. ad Rubric. de Annatis in concordatis, & Felin. ad caput ad aures 8. num. 4. Extra de Reſcriptis.

Thus

Thus it ſtands at this day, inſomuch that when Power is given to the Nuncio's to confer ſmall Benefices, the Importance of the Cure, that is, whether they ſhall be reputed great or little, is determin'd only by the Value of the Income: And in the Reſervations of the Monaſteries, the Spirituals go for nothing; but all the Benefices above the Value of 200 Crowns are reſerv'd, the reſt are left at liberty.

By theſe Methods the Apoſtolick Chamber came to a juſter Knowledge of the value of the *Annates* (10); for if two Perſons happen to obtain the ſame Benefice, the Bulls in favour of him who values it higheſt, ſtand good, the others are made void. Some are apt to call this a ſetting the Benefices to publick Outcry, and taking the beſt Chapman: Others ſay, that it is only to prevent the Chamber being defrauded of its Right. But as this is a Conſideration more proper for the *Annates*, we ſhall return to the unhappy Times of the Schiſm we mention'd, which made ſo large a Rent in the Church.

(10) This is alſo done, to oblige thoſe who have not expreſs'd the Value to take out ſecond Proviſions or Grants, dearer than the firſt, in order to aſſure themſelves of the Benefice.

What would that holy Biſhop of *Tournay* ſay in theſe days? who asking Money of one of his Friends to buy Lead to cover his Church, writ to him in theſe Terms:

Rogamus & petimus ut aliquid de benevola & benefica liberalitate veſtra nobis mittatis, quo plumbum emamus, non Romanum, ſed Anglicum, quoniam Anglico plumbo tegantur Eccleſiæ, nudantur Romano. *Steph. Tornacenſis, ep.* 147. *ad Valdemarum.*

CHAP. XXXIX.

NO Man denies, but that the Diſorders were notorious in the *Roman* Courts on this occaſion. And that which encreaſed them was, that ſome Kingdoms and Countries were ſo ſcandaliz'd with the Variety of Tricks and Shifts they ſaw practis'd, that they came at laſt to acknowledge neither of the Competitors for Pope (1). This put them upon the Neceſſity of an Expedient, not very endearing to the Subjects, which was, to raiſe and levy as much upon thoſe who continued ſtill in their Obedience, as they could have expected from all their Subjects together, had there been no Defection.

Germany refus'd to ſubmit to the Reſervations and Expectative Graces, and the Ordinaries conſtantly preſented, without any regard to the *Roman* Bulls.

On the other ſide, *Innocent* VII. in the Year 1359, ſent a Legate into *Germany*, to grant new Bulls for certain Sums, to ſuch as had come in by Epiſcopal Collation; and alſo to compound for the Fruits

(1) If all the Chriſtian Princes had done the ſame, without making themſelves of either Party, the Schiſm which laſted 50 Years, would not have laſted 50 Weeks: For thoſe Popes would not have perſiſted in maintaining a Dignity, whereby they reaped neither Honour nor Profit. Every body knows the good Effect which the Letters of Subſtraction had (which is a Declaration of withdrawing from Obedience, *&c.*) which the King of *France* publiſh'd in the Year 1408.

already

already receiv'd *(a)*, which were quitted and releaſed to the Incumbents, on condition of reſtoring a certain part to the Apoſtolick Chamber. But as this would have carried great Sums out of *Germany*, the Emperor *Charles* IV. forbad the levying them, ſaying, It was neceſſary to reform the Manners of the Clergy, not their Purſes.

But all theſe Confuſions receiv'd a conſiderable Increaſe, by the Addition of a third Pope (1), in the Year 1409, to whom tho' *France* paid Obedience, yet ſhe ſtood firm in maintaining the King's Edict (2), made three Years before * ; by which all Reſervations, *Annates*, and other Exactions of the Court of *Rome* were forbid, until they were ſettled by a lawful General Council.

(*a*) Miſit Innocentius Papa legatum ſuum Epiſcopum Calvacenſem pro ſubſidio Cameræ, & dedit ei poteſtatem diſpenſandi cum Clericis ad beneficia curata, vel ſine cura ad dignitates aut officia quæ minus canonice haberent, aut fuiſſent adepti cum fructibus inde preceptis. Erant ibi etiam Saxoniæ & Bavariæ Duces, vocavitque Imperator legatum, & audivit eundem ſuper commiſſis : Quo facto dixit Imperator, Domine Legate, Papa miſit vos ad Germaniam in qua magnam pecuniam corraditis, ſed Clero nihil reformatis. *Nauclerus in Chronico, vol. 2. generat.* 46. *anno* 1359. Adde Paralipomena rerum memorabilium Cratonis Milii *an.* 1375. & *Chronicon. Germani Mutii, an.* 1360.

(1) *Alexander* V. choſen by the Cardinals, who were Creatures of the two other Popes, by Virtue of the Subſtraction ordain'd by the Council of *Piſa*, after the Example of that made in *France*.

(2) The Cardinal *de Thury* (ſaith *Monſtrelet*, a contemporary Author) came to *Paris*, and requeſted the Council and the Univerſity there, that they would raiſe two Tenths upon the *French* Church ; which was not agreed to, becauſe the Univerſity oppos'd it in the Name of all the Church, and obtain'd a Royal Mandate, to all the King's Officers, commanding that whoever came [*és mettes de leurs offices*] with ſuch and the like Requeſts, ſhould be expell'd the Kingdom. *Life of* Cha. VI. 1409.

* In the Year 1406.

This

This King being incapable of Government, all Edicts and Acts of State were iſſued in the Name, or by the Authority of *Lewis* Duke of *Orleans*, his Brother, who had the Government of him. But the Duke being kill'd (3), it was eaſy for Pope *John* XXIII. to recover the Collation of Benefices in *France*, by allowing, that the King, the Queen, the Dauphin (4), and all the Houſe of *Burgundy* ſhould have the Nomination of all thoſe confer'd on their own Servants, on condition the Pope ſhould have all the reſt. Yet the Court of *Rome* enjoy'd this Agreement but to the Death of this King; for *Charles* VII. his Son renew'd the Edicts (*b*).

In ſeveral States and Governments of *Italy*, divers Regulations were alſo made, tending all to remedy theſe Abuſes. *Baldus* tells us, that even the City of *Bologna*, among divers Proviſions of this Kind, made an order, That no more Benefices ſhould be confer'd on any but Natives of that City, and of the Territory belonging to it. Nor were the Popes in thoſe Days much conſidered; a plain Inſtance of which appear'd at *Florence*, where *John* XXIII. reſiding at that time with his Court, was depriv'd

(3) By Order of *John* Duke of *Burgundy*, his Couſin, *an.* 1407.

(4) The Archbiſhop of *Piſa* came to *Paris*, ſent by Pope *John*, to treat about the Expectative Graces, and Promotions to Prelacies, the Royal Ordinances being then in force, which plac'd the Diſpoſition of them in the Ordinaries——— The ſaid Ordinances were annull'd; for the King, the Queen, the Dauphin, had the Nomination for their own Servants, as alſo the Univerſity. *Juvenal Urſinorum, in the Year*, 1414.

(*b*) Exactiones pecuniarum, quas ab aliquibus retroactis temporibus Curia Romana, ſeu Camera Apoſtolica, ſub prætextu vacantium beneficiorum, aut alias quovis modo & colore præmiſſorum applicari voluit, penitus ceſſabunt. *This Ordinance bears Date* April 13th, 1418. *and is reported in the Conference of Ordinances*, lib. 1. tit. 3. part 2. §. 3.

for

for five Years of the Collation of Benefices in that State, upon a Diſorder occaſion'd by that Pope's preſenting to a Benefice (*c*).

It was to that Age the Court of *Rome* was beholdeng for Inventions, ſo refin'd and ſo ſerviceable to her of Clauſes inſerted in Bulls which were perplexing and inextricable, diſtinguiſhing betwixt the Petitions or Requeſts ſign'd *Conceſſum*, and the others ſign'd *Fiat* (5): And betwixt thoſe Bulls diſpatch'd with the Clauſe *Motu proprio*, and thoſe with the Clauſe *Anteferri* (6); which laſt gives the preference, and makes the Condition more advantageous.

From

(*c*) Florentini propter unicum abuſum a Papa commiſſum in conferendo unam Abbatiam ſitam in eorum ditione privaverunt Joannem XXIII. Papam in eorum civitate tunc degentem, poteſtate conferendi beneficia in eorum ditione ſita uſque ad quinquennium. *Molin. in notis ad Senatui-conſultum contra abuſus Pap.*

(5) The Difference betwixt the Petitions ſign'd *Conceſſum*, and thoſe wherein the Pope ſays, *fiat ut petitur*, is, That theſe latter always grant ſome Grace, and are ſign'd with the firſt Letter of the Pope's Chriſtian Name, and with his own Hand, betwixt the Petition and the Clauſes; whereas the others are ſign'd only by the Officer of the *Conceſſum*, in this Form, *Conceſſum ut petitur in præſentia Domini noſtri Papæ*, with the firſt Letter of his Name, and his Surname betwixt the Petition and the Clauſes: And the *Conceſſum* on the Sides of the Clauſes, with the two capital Letters of his Names. See the 34th Rule of Chancery.

(6) All theſe Rubricks began under the Pontificates of *Boniface* IX. Pope at *Rome*, and of *Benedict* XI. Pope at *Avignon*.

Charles du Molin, in his Notes upon the Edict, ſet forth *anno* 1406, againſt the Exactions of the Court of *Rome*, ſaith, Benedictus XIII. multas valde anomalas & exorbitantes beneficiales & alias gratias, pecuniæ emungendæ gratia, faciebat, ſequendo in hoc Bonifacium IX. impium Corrivalem ſuum, qui adeo Simonem Magum imitatus eſt, ut morientibus Cardinalibus, qui Simoniam oderant ſummopere lætaretur, velut liberas habenas habere incipiens ad Simoniam publicè exercendam. Plus offerenti indiſcriminatim

From hence it follow'd, that many Bulls were obtain'd for the ſame Benefice, which, beſides the *Annates* being multiply'd by this means, produced Law-Suits, and theſe were to be carry'd on at *Rome*, to the great advantage of that Court. To which was added another Improvement, which refin'd again extreamly upon theſe Inventions; this was, That if one of the Parties happen'd to die, another Litigant was ſubſtituted, that the Cauſe might not die with him; but that from his Death another *Annate* might ariſe, by which the Law-Suits were perpetuated, and in ſome ſort made immortal. Theſe gave riſe again to the Clauſes *Si alteri*, *Si neutri*, *Si nulli*: By which, while the Benefice was given to a third Perſon, the Suit however went on, and was happily preſerv'd betwixt the two firſt.

To remedy therefore theſe Diſorders and Corruptions, and to put a ſtop to theſe wretched Litigations among their Subjects, Princes were oblig'd to fix the Right of Poſſeſſion to Benefices, by reſtoring the Cognizance of the Beneficiary Rights to the Secular Power; a Right, which however clear in it ſelf, the Eccleſiaſticks had uſurp'd (7) by the Connivance of the Princes themſelves.

But

minatim vendebat prioritates datarum. Et hæc Mercimonia palam in Curia multis annis exercuit. Et adhuc priores Mercatores eludebat inventa Clauſula, anteferri pro 25 florenis; & hos rurſus per prerogativum Antelationis pro 50 ducatis, fixis etiam multis regulis Chancellariæ quas pretio refigeret, ut late ſcribit Theodoricus a Niem, qui illis præſens adfuit. *lib.* 2. *cap.* 6. *& ſeq.*

(7) The Parliament of *Paris*, which was in part compos'd of Counſellors that were Clergymen [*Conceillers Clercs*] contributed much to the Diminution of the Authority of the Eccleſiaſtical Judges.

Item, Juriſdictio temporalis per ſpiritualem non debet impedire, & ſi contra fiat, Curia præſens conſuevit compellere ſpiritualem ad removendum impedimenta talia per captionem ſuæ

But the Regulations made by them againſt all theſe Innovations in their Dominions, ſerv'd but to ſharpen the Induſtry of the Court of *Rome*, to find out other Expedients, which might have the ſame Effect, under other Pretexts; as well as to ſupply, by a Multiplication of new Rights, their Defect of Power in Matters, wherein the Interpoſition of Princes had reſtrain'd them.

ſuæ temporalitatis. Ita dictum fuit per Arreſtam Curiæ in Parliamento anni 1327. contra Epiſcopum Rhemenſem pro Capitulo dictæ Eccleſiæ. *Cap. 29. partis 1. Stili Curiæ Parliam.* §. 10.

CHAP. XL.

IT was in theſe Days that Reſignations alſo appear'd in the World, not ſuch as were juſtifiable, and made upon good Grounds; for ſuch indeed were of very great antiquity: but others of a very different nature, and which the World, at this day, by no means approves. It never was allow'd to Church-men to quit the Cure that had been aſſign'd them, whenever they pleaſed: For it was highly reaſonable, that whoever had undertaken a Charge, and had receiv'd his Recompenſe for it, which is the Benefice, ſhould continue to perform it (1).

Nevertheleſs, ſeeing a Caſe might happen, in which it might be neceſſary, or at leaſt reaſonable

(1) Can. ſi qui vero. Can. ſi quis Presbyter. & Can. Epiſcopum 7. q. 1. Can. Clericus 21. q. 1. Can. Sanctorum 70. diſt. Et Yvolar. not. ep. 121.

and

and expedient for a publick or a private Conſideration, that a Man ſhould quit his Benefice: From thence came the Practice, that a Man might, with the permiſſion of his Superiors (2), for ſome lawful Cauſe, renounce. The Cauſes that were then allow'd to be ſo, were Infirmities either of Mind or Body, old Age (3), or the Danger in reſiding in a Place, where a Man happen'd to have powerful Enemies.

As ſoon as the Renunciation was receiv'd by the Biſhop, the Benefice was eſteem'd vacant (*a*), and the Collator confer'd it in the ſame Forms as if it had been vacant by Death.

At laſt theſe Renunciations came to be practis'd for no ſuch urgent Cauſes, but it grew to be a ſufficient Cauſe, if the Renouncer had a mind to reſign it to one of his own Nomination (*b*). And as a

(2) Vide cap. 4. extra de renunciatione.

(3) Vide cap. 10. extra de renunciatione.

(*a*) De Presbytero, qui Eccleſiam quam regebat nulla cogente neceſſitate in manu tua refutavit, & per manum Laicorum cubile ſponſæ, qua ſe indignum, vel quam ſe indignam, refutando judicavit, conatur aſcendere hoc fraternitati ſuæ, reſpondeo, quia juſtum eſt, ut in judicio, quod de ſe judicavit, permaneat, & ſponſam, quam repudiavit, vivente fratre, qui ei legitime incardinatus eſt, adulterare non præſumat. *Yvo. Carnot. ep.* 131. *vide cap.* 3. *extra. de renunciat.*

(*b*) *Balſamon* on the 76 Canon [*des Apoſtres*] ſaith, that an ancient Biſhop having a mind to reſign his Biſhoprick to one of his Friends, the Aſſembly of Biſhops would not admit his Reſignation. The Paſſage is here tranſlated into *Latin* by *Janus à Coſta*, which is very remarkable,

Tu autem die, quod etiamſi non ad ſuum cognatum Epiſcopus Epiſcopatum tranſmiſerit, ſed ad alienum, idem erit, Epiſcopos enim a Synodis fieri decretum eſt. Et ideo etiam vita functus ille urbis Philippi Metropolitanus maximus ſuæ Metropoli ſub hac conditione renuncians, ſi ejus Oeconomum urbis Philippi Metropolitanum pro ſe ipſo ſancta Synodus conſtitueret, non eſt exauditus, ſed exaudiit, quod ſi res quas poſt electionem ex Eccleſiæ reditibus acquiret, non poteſt dare, vel ad

a new Thing requir'd a new Name, it was call'd *Resignatio ad favorem*; becauſe it was in his favour only, to whom the Reſignation was made, and in order to bring him into the Benefice. The Superior indeed is at liberty to admit the Renunciation or not; but he cannot admit it, without giving the Benefice to the Perſon nam'd by the Renouncer.

This ſort of Reſignation, tho' it were a plain way to introduce hereditary Succeſſion into Benefices, and therefore prejudicial to the Eccleſiaſtical Order, yet it turned to the advantage of the Court of *Rome*, as it made Collations of Benefices more frequent, which produced more *Annates*. Avarice and other worldly Affections having wrought upon the Frailties of many Perſons, to ſollicit and take Benefices, not with intention to keep them always, but only until a better fell, or upon the Credit of ſuch Preferment, to treat with more advantage upon ſome Marriage, or other important Change of Condition; or to keep it for ſome Child, who was not come to Age: A Practice, which among pious Men hath ever been held inexcuſable. It is a receiv'd Opinion, that whoever takes a Benefice with deſign to renounce it, cannot in Conſcience receive the Fruits: Which ſome again of larger Conſciences affirm not generally of all, but only of ſuch as receive the Profits, tho' they deſign to quit the Eccleſiaſtical Orders. And ſeeing Reſignations *ad favorem* redounded to his profit, through whoſe hands they were to paſs, the Court of *Rome*, to engroſs them all, forbad the Biſhops to receive any ſuch Reſignations, reſerving this Right wholly to

ad quos vult tranſmittere, multo magis Epiſcopatum. *Vide Can.* 32. *Concil. Carthag.* & 23 *Antioch.* & *can.* 17. *cauſ.* 7. *q.* 1.

the

the Pope (4). But becauſe many Incumbents, when they drew near their Ends, took this Courſe of appointing themſelves a Succeſſor, a Rule was made in the *Roman* Chancery, That no Reſignation *ad favorem*, made by a ſick Incumbent, ſhould be valid, unleſs he liv'd 20 Days after the Reſignation had been accepted (*c*).

(4) According to the Canoniſts, there being none but he, who can exempt from Simony. See the Gloſſ. *ad cap.* 4. *extra de pactis verbo illicitæ ad cap.* 12. *de officio deleg. verbo, dimittere.*

(*c*) Item voluit quod ſi quis infirmitate conſtitutus reſignaverit aliquod beneficium ſive ſimpliciter, ſive ex cauſa permutationis, & poſtea infra viginti dies a die per ipſum reſignantem præſtandi conſenſus computandos, de ipſa infirmitate, ac ipſum beneficium conferatur per reſignationem factam, collatio hujuſmodi nulla ſit, ipſumque beneficium per obitum vocare cenſeatur. *This Rule i the* 19th *of the* Roman *Chancery* Vide du Molin ad hanc regnum. 63.

CHAP. XLI.

WHILST the holy War laſted, or there were any Hopes of its reviving, the Pretence of ſo pious a Deſign was a large and conſtant Channel of Wealth to the Churchmen: But the Offerings of devout People ceaſed with theſe Hopes; and this Spring of Devotion being dried up, Indulgences, and Remiſſions of Sins were thought of in their room; to be beſtow'd on thoſe, who ſhould contribute with their Purſes to ſome Work of Piety: And every day new Works of this kind were ſet on foot through every City; in return to which, *Rome* granted her Indulgences, from whence great Profit redounded to the Clergy, and to this Court, who reap'd its ſhare. And this Matter was carried

carried ſo high, that every one knows the Changes (1) which were wrought by theſe Indulgencies, in *Germany*, from the Year 1517.

In our Times, Pope *Pius* V. made a Conſtitution, by which he annull'd all the Indulgencies, granted with the Clauſe of *Manus adjutrices* (2): that is to ſay, with a Condition of paying Money. Yet this hath not been able to put a ſtop to ſo gainful a Traffick as theſe Indulgencies afforded. For tho' they are now granted without any ſuch Condition, yet there are placed in the Entries of the Churches little Boxes, to provoke the People's Charity; the Sight of which is a tacite demanding, where they are perſuaded they cannot be ſaved without giving.

(1) The Schiſm of *Martin Luther*.

(2) Omnes & ſingulas indulgentias, etiam perpetuas ---- per quoſcunque Romanos Pontifices prædeceſſores noſtros, ac etiam nos, ſub quibuſcunque tenoribus, & formis, ac cum quibuſvis clauſulis & decretis, ac ex quibuſvis etiam urgentiſſimis cauſis, etiam cauſa redemptionis captivorum, & alias quomodolibet conceſſas; pro quibus conſequendis manus ſunt porrigendæ adjutrices, & quæ quæſtuandi facultatem quomodolibet continent -- authoritate Apoſtolica, tenore præſentium, perpetuò revocamus, caſſamus, irritamus, & annullamus, ac viribus vacuamus. 7 *Decretal. tit.* 15. *cap.* 1.

CHAP. XLII.

THE Times of Schiſm we mention'd, ſeem'd to put a period alſo to any Hopes in the Churches of acquiring any more real Eſtates, or encreaſing their Revenues. The Monks had now no longer the Reputation of Holineſs and Strictneſs of Life, they had formerly maintain'd: And the fervent Zeal, which had appear'd ſo univerſal on Occaſions of the Croiſado's, was not only cool'd, but wholly extinguiſh'd. The Fryers-Mendicants only, who were all inſtituted ſince the Year 1200, had therefore ſome Credit left in the World, becauſe they had parted with their Capacity of acquiring real Eſtates, and were under a Vow of living upon Oblations and Alms only: So that the Belief was not ill grounded, that their Acquiſitions of real and fix'd Eſtates would have ended here.

But the Prerogative of the Apoſtolick See was a ſeaſonable Expedient at hand, to aid them in this Exigence; by virtue of which, a Power was granted to this Order, of acquiring real Eſtates; tho' both by their Vow and Inſtitution it was forbid: And as they had many Friends, who were greatly devoted to their Order, and had great Inclinations to enrich them, if it had been practicable, no ſooner ſaw this Way open to their Bounty, but the Convents of theſe Mendicants in *Italy*, *Spain*, and other Countries, became in a ſhort time, very ſufficiently endow'd with real Eſtates.

France alone oppos'd this Innovation, ſaying, That ſeeing they came into that Kingdom under the Profeſſion of Poverty, they ought to perſevere in it: Neither have they hitherto ever been ſuffer'd

to

to acquire Eſtates there (1): Whereas in other Places they had made very conſiderable Improvements, particularly in thoſe times of Schiſm, when all the reſt of the Clerical Order were very low in Eſteem.

In the Council of *Conſtance* the Schiſm was extinguiſh'd, by one of the Popes having renounc'd (2), and the two others having been depos'd (3): And in the Year 1417, *Martin* V. (4) was elected Pope by the general Council.

Great Hopes were entertain'd, that the Council and the Pope together, the two moſt powerful Concurrents upon Earth, would have gladly united in the Remedy of ſo many Abuſes as had crept into the Diſpenſation of Benefices. And in effect the Council propos'd to the Pope the Reformation of a Train of Diſtempers, which would have employ'd the skilfulleſt Hands, namely, Reſervations, *Annates*, Expectative Graces, *Commendams*, and Collations. But the new Pope and his Court, whoſe Deſire of

(1) The Parliament of *Paris*, ſaith he, towards the end of his Council of *Trent*, did not approve the Decree which allowed Mendicants to poſſeſs real Eſtates; alledging that this Order having been receiv'd in *France*, under a very different Inſtitution, it was not juſt to allow them on other Terms; and that it was an Artifice in the Court of *Rome*, to draw to themſelves the Eſtates of the Laity: Firſt, in ſuffering the Monks to gain Credit in the World, by the ſpecious Vow of Poverty, which made them be regarded as People void of Intereſt, and who do every thing for Charity, and after they have got a Stock of Reputation, the Court diſpenſeth with their Vow, and puts it in their power to enrich themſelves. See the Conference of Ordinances, *Lib.* 1. *tit.* 3. *partic.* 2. § 5.

(2) *John* XXIII. after he had fled from the Council, and been brought back again, and depos'd.

(3) *Gregory* XII. and *Benedict* XIII.

(4) *Otho Columna* created on St. *Martin*'s Eve, whence he took the Name.

being at *Rome* (5) was ſtronger than that of any Reformation; meeting with the ſame Impatience in all the Fathers of the Council, who were wearied with the long Abſence from their own Houſes, made way for the Reſolution which was eaſily agreed to, of adjourning the Diſcuſſion of ſo knotty an Affair, and of ſo much length to a future Council; which was intimated to be intended to be held at *Pavia*, five Years after, and ſo that Council broke up.

The *French* not being willing to ſtay ſo long as the next Council, a Decree was made in the Parliament of *Paris*, that no Obedience ſhould be paid to this Pope, unleſs he firſt admitted and acknowledg'd the King's Edict (6), which ſuppreſs'd the Reſervations, and the Exactions of Money in *France*. And when *Martin* ſent a Nuncio into *France*, to give the King notice of his Election, the King made anſwer, he would acknowledge the Pope, on condition that the elective Benefices ſhould be conferr'd by Election, and the Reſervations and Expectatives be aboliſh'd.

The Pope agreed to it for that time, but having gain'd ſome Members of the Univerſity to his Party, in the Year 1422, he attempted to make the Reſervations be again receiv'd. However, he fail'd in the Attempt, and they proceeded to Impriſonment of all his Adherents (7): And upon his put-

(5) Both the Pope and his Court were equally apprehenſive, that the Council ſhould meddle too much in Affairs, and penetrate too far into the Secrets of the Papal Miniſtry. The Council was cloſed *April* 22, *anno* 1418, after having continued three Years and a half.

(6) Of *April* 13, 1418. See the Conference of Ordinances, *Lib.* 1. *tit.* 3. *part* 2. § 3, & 4.

(7) The Rector of the Univerſity, and divers others of the Members or Fellows.

ting

ting the City of *Lyons* under Interdiction (8), the Parliament forbad Obedience to it.

Thus the Diſpute laſted till the Year 1424, when Matters were compromis'd betwixt them, and they came to an agreement, That his Holineſs ſhould admit all the Collations made before the Agreement, for good; and all his Mandates for the future ſhould be receiv'd. But the Attorney and Advocate-Generals, with many of the great Men, oppos'd the Execution of it, and repreſented the Prejudice it would be to the Kingdom, ſo effectually, that the Agreement vaniſh'd.

(8) Becauſe that City obey'd the King's Edict.

CHAP. XLIII.

WHILE theſe things were acting, the Council of *Pavia* open'd (1), which was ſoon after remov'd to *Sienna* (2), and ſoon after that finiſh'd there (3) with great Expedition; no Affair of moment having been tranſacted there, only great Expectations given, that the Council which was to be held at *Baſil* ſeven Years after that, ſhould make a thorough Reformation.

(1) Towards the end of the Year 1423.

(2) Becauſe none were preſent at the firſt opening this Council, but the Pope's Nuncio's, and two Abbots, in all ſix Perſons.

(3) For he was under great Apprehenſions of being depos'd by a Council, as *John* XXIII. his Predeceſſor, had been

About the End of thoſe ſeven Years Pope *Martin* died, to whom ſucceeded *Eugene* IV. (4). During whoſe Reign, in the Year 1431, the (5) Council of *Baſil* at laſt took in hand the Reformations, ſo neceſſary and ſo long wanted, of Abuſes in the Collation of Benefices. All Reſervations were prohibited, except of thoſe Benefices, which were vacant *in Curia:* And the Expectatives, the *Annates*, with all the Equipage of that kind, and other Exactions peculiar to that Court aboliſh'd.

The Pope finding ſuch a Check given to his Power, and ſuch important Branches of his Revenue cut off, ſet himſelf to croſs the Meaſures of the Council; and firſt tried to get it remov'd to ſome other Place, where he might have the Prelates more at command (6). But they were too powerful to let this Deſign take place, and after many ſharp Conteſts betwixt the Pope and the Council, which pious Men, by interpoſing day after day, had hitherto found ſome means of compromiſing; at laſt, there was no avoiding an irreconcilable Breach: the Council ſtood firm to the Reſolution of putting a final ſtop to theſe Exactions, and the Pope to maintain his Authority and Revenues. The Pope diſſolved the Council; the Council depriv'd the Pope (7),

(4) *Gabriel Condolmero*, Nephew and Creature of *Greg.* XII. depos'd 1515.

(5) Open'd *July* 23, 1431.

(6) He would have had it at *Bologna*, a City in the Eccleſiaſtick State. In 1438, he remov'd it to *Ferrara*, and in 1439 to *Florence*.

(7) *Mezeray* ſaith, there never had been a perfect good Underſtanding betwixt the Pope and the Fathers of this holy Aſſembly; for if on their ſide they made appear their Deſign, to put a Bridle on his Authority, by maintaining ſtrenuouſly the ancient Rule, that the Council is above the Pope; he ſhew'd himſelf no leſs concern'd to have them ſeparated. *In the Life of* Charles VII.

and

and chose another (8). This bred another Schism in the Church. *France* and *Germany* receiv'd the Decrees of this Council: And in the Year 1438, the famous Pragmatick (9) was publish'd in *France*, which restor'd the Elections to the Chapters, the Collations to the Ordinaries, and abolish'd the Reservations; in which it pursu'd the Steps of the Council of *Basil*.

(8) *Amadeus* VIII. Duke of *Savoy*, who had resign'd his Dominions to his Son, to turn Hermit, yet quitted his Hermitage again to be Pope. He was elected in the Year 1439, and owned by *France*, *Germany*, and the greatest Part of the West, till the Death of *Eugene*.

After which the Princes taking part with *Nicholas* V. he was induced, part by Entreaties, part by Menaces, to consent to the Re-union of the Church, and to renounce the Pontificate, which he accordingly did in the Year 1449, in the same Council, which he had remov'd from *Basil* to *Lausan* in *Switzerland*. After which, the Fathers confirm'd the Election of *Nicholas*, made two Years before, at *Rome*, by the Cardinals of *Eugene*'s Party. *Amadeus* had taken the Name of *Felix* V.

(9) *Mezeray* calls it the Bulwark of the *Gallican* Church.

CHAP. XLIV.

IN *Italy*, where this Council never was received, and the Adherence to the Pope was very general, the Reservations had taken deeper root: Every Pope renewing them with ease, and introducing new Pretensions and Impositions, and shewing no Instance of Mitigation in the Rigour of any of them, except where some Expedient had been found to work the same Effect an easier way.

But this Invention seem'd to be brought to its highest Perfection under the Popes *Julian* II. and

Leo X. who firſt introduced mental Reſervations, call'd alſo Reſervations *in Pectore* (1); and who, under the Privilege of keeping their ſecret Thoughts to themſelves, us'd not to declare them in the ordinary Courſe of other Reſervations, nor were they ever known till the Ordinary came to confer a Benefice, or ſome Candidate to ask it; when it was anſwer'd by the Datary, that the Pope had reſerv'd it mentally (2): So groſs a Deluſion laſted ſome Years, however it fell after into diſuſe (3), having prov'd uſeleſs and inconvenient even to thoſe who firſt contriv'd it (4).

Other Methods were alſo ſtrain'd, and carry'd to the utmoſt pitch they would bear. For to the Reſignations *in Favorem*, which were already ſo well eſtabliſh'd, another Abuſe was added, which was to reſign only the Title of the Benefice, and to reſerve all the Profits of the Reſigner; by which means the Benefice really remain'd in the ſame hands as before, the Reſignation having no other Effect, but to appoint a Succeſſor, who, in truth was only the Titular, but had nothing to receive out of the Benefice, until the Death of the Reſigner. And that the Titular might not come into the poſſeſſion of any thing by the pretence of gathering the Profits himſelf, and paying them again

(1) That is to ſay, known only to himſelf.

(2) *John Swarez*, Biſhop of *Coimbria* in *Portugal*, arguing in the Council of *Trent* upon the mental Reſervations, call'd them Robberies, and ſaid it was better to leave the Collation of all Benefices to the Pope, than to ſuffer him to ſet his own Price upon his own Thought not communicated, nor publiſh'd, which might therefore be reaſonably imagin'd, not to have been born till the Vacancy happen'd. *Fra. Paolo Hiſt. of Counc. of* Trent, *lib.* 8.

(3) The Reſervations were forbid by the Council of *Trent*, *Chap.* 19. of the Reformation of the Seſſion 24.

(4) Who had to bear with all the Repulſes and Oppoſitions from the ordinary Collators.

to

to the Reſigner, it was provided, that not only all the Profits ſhould be reſerv'd to the Reſigner, but a Power to him likewiſe to levy them by his own Authority.

Thus the Reſigner differ'd in nothing ſtill from being as much the Incumbent and Owner of the Benefice as before, except in caſe the Titular died before him; and then, tho' he remain'd in poſſeſſion of all the Profits, yet he had no right to appoint himſelf a Succeſſor: So that the Collator might confer the Title on whom he thought fit ſhould ſucceed to the Benefice, after the Death of the Reſigner. But the Court of *Rome* fail'd not alſo to find an excellent Expedient for this, which was, the Regreſs (5).

(5) That is to ſay, the Return.

CHAP. XLV.

IN the primitive Times of the Church, there was a pious and laudable Cuſtom, that whoever had one Cure aſſign'd him, never quitted his Charge for a richer (*a*) or more honourable: Every Man preſuming, that to perform his Duty as he ought, would take up all his Faculties.

(*a*) Siquis Epiſcopus, *ſaith St.* Leon, civitatis ſuæ mediocritate deſpecta, adminiſtrationem loci celebrioris ambierit, & ad majorem ſe plebem quacunque generatione tranſtulerit, a Cathedra quidem pelletur aliena, ſed carebit & propria, ut nec illis præſideat, quos per avaritiam concupivit nec iſtis quos per ſuperbiam ſprevit. Suis igitur terminis contentus ſit quiſque nec ſupra menſuram juris ſui affectet augeri. *Ep.* 12. *ad Anaſt. Theſſalon. Ep. cap.* 8. *vide Can.* 31, 32, & 43. *Cauſ.* 7. *q.* 1.

But

But ſometimes the Superior, when ſome great Charge was vacant, for want of a Perſon equal to it, would find a Neceſſity of tranſlating ſome Man of Merit, who was employ'd in a leſs *: And this was a Tranſlation (1) became afterwards ſo ſought after, either for the Convenience or the Profit, that as unuſual as it had been, it became very frequent. Then the Ambition and the Sollicitude of riſing higher grew ſo prevalent, that oftentimes a Man would quit a Benefice he had in poſſeſſion to ſollicite for another; and conſequently loſt them both, when the Grant of the laſt prov'd faulty.

To remedy which Inconvenience, a Cuſtom prevail'd, which grew to have the Force of a Law, that if the ſecond Grant ſhould not ſtand good, the Man that was ſo unfortunate, might without Ceremony, return to his firſt (*b*): And this was call'd the Regreſs.

In imitation of this Example, the Reſigner had a Power granted, in caſe the appointed Succeſſor died, or renounc'd again his Title of returning to his reſign'd Benefice, and by his own Authority take poſſeſſion a-new, without any Ceremony, as if he had never reſign'd it. And in caſe he had re-

* See the Canon, *Mutationes* 34, and the Canon, *Series* 35. *Cauſ.* 7. *q.* 1.

(1) It began to be frequent under Pope *Urban* III. *See cap.* 3, & 7. *extra de rerum permutationi.*

(*b*) Intelleximus G. Canonico referente quod cum ipſe & L. Clericus de permutatione Præbendarum ſuarum inter ſe tractare cœpiſſent tandem idem L. Præbenda ejuſdem G. cuidam conſanguineo aſſignata præbendam ſuam ei ſicut promiſerat noluit reſignare. Cum igitur deceptis, & non decipientibus jura ſuccurrunt, licet ipſi de jure non poſſent Eccleſiaſtica beneficia permutare, ut tamen ſimplicitari venia tribuatur, mandamus quatenus ſi conſtiterit prætextatum G. taliter fuiſſe deceptum, amota a præbenda ſua, conſanguineo ipſius L. vel quolibet alio illi cito detentore, eam reſtitui faciatis eidem. *Cap.* 8. *extra de rerum permut.*

ſign'd

ſign'd before he had been in poſſeſſion (in which caſe the Regreſs could take no place) he was impower'd to take poſſeſſion by Acceſs and Ingreſs (2); and this by his own Authority likewiſe, and without any recourſe to the Magiſtrate: This was call'd the Regreſs. Yet the Pope hath always reſerv'd to himſelf the ſole Power, without ever allowing any ſhare of it to any other, of receiving and admitting Reſignations made on theſe Conditions, and of giving the Title to the Reſignee, with Obligation to perform them.

As this Invention was generally condemn'd by all the Writers, particularly by the Univerſities of *France*, and actually prohibited by the Parliament of *Paris*, that there could not be found any ſpecious Pretexts in all Antiquity to juſtify it; ſo there were thoſe, who were both aſham'd, and made a Scruple of Conſcience to make uſe of it: For whoſe Satisfaction another Expedient was found, which took its riſe from great Antiquity, but according to Cuſtom adapted to the preſent Occaſions. This was the Coadjutorſhip.

(2) That is to ſay, As entring the firſt time into the Benefice.

CHAP.

CHAP. XLVI.

THERE was a very ancient and excellent Practice in the Churches, That when a Prelate, or other Minister of the Church, was become incapable through Age, Infirmity of Mind or Body, or other Impediment, to execute his Charge, himself chose an Assistant; or the Superior appointed him one, to share the Burden of the Employment. But the Coadjutor had nothing to do with the Office or Benefice, any longer than during the Life of the Incumbent (*a*); at whose Death, a new titular Incumbent was made. This was a Method always approv'd, and to which there never was any Opposition.

Afterwards it coming to be consider'd, that if the Coadjutor were made to succeed, it would have the Consequence of making him more diligent in

(*a*) By the *Canon* 18. *cauf.* 7. *q.* 1. of Pope *Pelagius*, towards the Year 559, it appears, that these Coadjutors were only Hirelings.

Frater & Coepiscopus Joannes ob hoc quod se in gerenda patrimonii gubernandi cura, vel in disciplina Ecclesiastica conservanda minimè fatetur idoneum, constituti presbyteri ad hæc explenda sibi exposcit adhibere personam, ut ea quæ sunt necessaria competenti disponente sollicitudine fiant --- ideoque præsenti vobis jussione præcipimus, ut servata primo in loco Episcopo memorato reverentia, quam vos convenit inculpabiliter cohibere, præbeatis obedientiam constituto competentem, in nullo dispositionibus ejus spiritu contumaci resultantes; imo competenti vigilantiæ vestræ studio, quæ pro Ecclesiastica utilitate gerenda constitutus monuerit adimplentes; ut his ita dispositis, & consueta vobis stipendia ministrentur; & quæcunque in præfatæ Ecclesiæ patrimonio, vel de rebus ad eam pertinentibus repetendis sunt necessaria compleantur.

Nevertheless the Popes sometimes permitted the Bishops to appoint their Coadjutors for their Successors: And in the Eighth Century this Favour was very rarely granted. *See the Canon* 17. *D. Cauf.* 7. *q.* 1.

the

the Exercise of a Charge, which was to be his own; and which would also recommend him to the Inhabitants of the Place, when they regarded him not as a Stranger, they settled the Succession on the Coadjutor.

This met with a different Reception in the World, and accordingly was defended or censur'd. On one hand it was said, That all settled Successions in Benefices was pernicious, as a Temptation either to procure, or however to desire the Death of another.

On the other hand was alledg'd, the famous Precedent of St. *Augustine*, who was chosen by *Valerius* to be his Coadjutor, and also declar'd his Successor. But this Instance carries no great weight, since St. *Augustine* himself condemns it afterwards, and would neither imitate it, nor was asham'd to impute it as a Sin of Ignorance (*b*) both in himself and his Predecessor.

But in these Times, Coadjutors with Succession in Reversion, were appointed not only to Prelates and other Ministers, who had Business belonging to their Office, but also to simple Benefices, or Sine-cures, where there was nothing to do. So that the Coadjutor had only a Name, without any thing essential, but that of Succession in Reversion; a thing which the Canonists have so much in abhorrence.

(*b*) St. *Paulinus* particularly observes, that this sort of Coadjutorship was very extraordinary.

Non autem, *saith he*, tantum hoc scribimus gratulandum quod Episcopatum Augustinus acceperit, sed quod hanc Dei curam meruerint Africanæ Ecclesiæ, ut verba cœlestia Augustini ore perciperent, qui ad majorem Dominici muneris gratiam novo more provectus, ita consecratus est, ut non succederet in Cathedra Episcopi, sed accederet. Nam incolumi Valerio Hipponensis Ecclesiæ Coepiscopus Augustinus est. *Ep.* 17. *Num.* 2. *& Can.* 120, 7. *q.* 1.

In

In theſe Times likewiſe, every Beneficiary who deſir'd to appoint his Succeſſor, had the liberty of chooſing one of theſe Methods; either by the Coadjutorſhip with Succeſſion in Reverſion, or by the Reſignation *in Favorem*; reſerving to himſelf the Profits, with the Power of Regreſs: But the authorizing theſe Sorts of Diſpenſations, was reſerved to the Pope alone, and to no other Perſon whatſoever.

In *Germany*, where the Council of *Baſil* was by ſome admitted, by others not, there was great Diverſity in the Deciſions concerning beneficiary Cauſes. To provide againſt, and reconcile theſe Differences, *Nicholas* V. and the Emperor *Frederick* III. in the Year 1448, made a Concordat (1) of the following Tenor;

That the Benefices vacant in Court ſhould be reſerv'd to the Pope, and that the reſt of the elective Benefices ſhould go by Election. As for the other vacant Benefices, they ſhould remain for ſix Months in the Pope's Diſpoſal, and ſix Months in the ordinary Collators: with this Proviſo added, That if the Pope fail'd in the Term of three Months to fill up the Benefices, the Collation ſhould devolve to the Ordinaries (2.)

This

(1) Concluded in the Pope's Name, by the Cardinal *John Carvajal*, call'd *St. Angelo*, Legate *à Latere* in *Germany*.

(2) An Extract of the Concordat will here be of uſe for a Comment on the Words of *Fr. Paolo*.

'We reſerve, ſaith *Nicholas* V. 'to our own Ordination, Diſ-'poſition and Proviſion, all 'the Churches Patriarchal, 'Archiepiſcopal, and Epiſco-'pal; as alſo Monaſteries, Pri-'ories, Chanonries, and all o-'ther Benefices Eccleſiaſtical 'whatſoever, with Cure of 'Souls, and without, Seculars 'and Regulars, which are or 'ſhall be vacant; alſo thoſe va-'cant by Depoſition, Depri-'vation or Tranſlation, by us 'formerly

This Agreement was not receiv'd thorough all *Germany*, and ſome Dioceſſes ſince the Year 1518, obſerv'd the Council of *Baſil*; which aboliſh'd all the Reſervations: But in proceſs of Time, even thoſe who had receiv'd the Concordat in the beginning, ceas'd to obſerve it, and excus'd themſelves in ſaying, that it had not been univerſally receiv'd: So that it loſt its force by being diſus'd; and not only in Places where the Biſhops and Chapters have ſeparated from the *Roman* Church, but even where they ſtill remain under its Obedience.

In

' formerly made, or which ' ſhall be made, in what Place ' ſoever.

' Likewiſe Benefices vacant ' by the Deceaſe of Cardinals ' and Officers of the holy See, ' while they ſhall hold the ſaid ' Offices; *Exemp. gr.* of Vice-' Chancellor, of Chamberlain, ' of Notaries, Auditors, Comp-' trollers, Abbreviators, and ' the Benefices which are, or ' ſhall be vacant, by the Death ' of our Commenſals, Collec-' tors, and Treaſurers, deputed, ' or which ſhall be deputed in ' whatſoever Place they hap-' pen to die: Moreover, the ' Benefices of all thoſe who ' coming to, or returning from ' *Rome*, on any Occaſion what-' ſoever, ſhall happen to die ' but two Days Journey from ' the City; provided that the ' Place of their Death be not ' the Place of their ordinary ' Reſidence: Alſo all Benefices ' ſecular and regular, which ' they poſſeſs'd at the Time of ' their Promotion, whom we ' have promoted to Dignities ' Patriarchal, Archiepiſcopal, ' and Epiſcopal, now vacant, ' or which ſhall be hereafter ' vacant.

' In Churches Metropolitical ' and Cathedral, not ſubject im-' mediately to the holy See, and ' in the Monaſteries which are ' immediately ſubject to it, E-' lections ſhall be free, and then ' be brought to the ſaid See, ' who ſhall confirm them, if ' they be canonical.

' In Monaſteries which are ' not immediately ſubject, and ' in other regular Benefices, ' for which it is not cuſtomary ' to have recourſe to the holy ' See, the Elected ſhall not be ' oblig'd to come to *Rome* for ' their Confirmation or Provi-' ſion; beſides, that theſe Be-' nefices are not to be rank'd ' among the Expectatives, nor ' the Benefices *des Meniales non* ' *exemis*, in the Diſpoſition of ' the Pope.

' As

In the Year 1534, *Clement* VII. set forth a severe Bull concerning it, but it scarce had any effect: *Gregory* XIII. * set forthanother in the Year 1576, which had as little effect. And Cardinal *Mandrucci* (3) Legate of *Clement* VIII, in 1594, made a heavy Complaint about it, in the name of the Pope, at the Diet of *Ratisbon*; but to as little purpose as the other.

The

'As for the other Benefices, 'Seculars and Regulars, not 'comprehended in the Reser- 'vations expres'd above, we 'freely allow they be provided 'for by the ordinary Collators, 'when they shall fall vacant, in 'the Months of *February*, *April*, '*June*, *August*, *October*, and '*December*; the Months of '*January*, *March*, *May*, *July*, '*September*, and *November* shall 'be reserv'd to the Pope: But 'if it happen that the Benefices 'which shall be vacant in these 'Months, have not been con- 'ferr'd by the Pope in three 'Months, reckoning from the 'Day of the Vacancy known in 'the Place where the Benefice 'lies, the Collation shall return 'to the Ordinary, or to any 'other to whom the Disposal 'shall belong."

But this last Concession having been the Occasion of many Law-Suits, daily arising betwixt those whom the Pope had presented before the three Months were expir'd, and those who had obtain'd the Collations of the Ordinaries, who conferr'd the Benefices from the Day of the Expiration of the three Months, to prevent the Provisions which the Pope might have made, about the End of the Term, *Greg.* XIII. made a Bull, dated *Nov.* 1. 1576, by which he declar'd, 'That the Conces- 'sion of Pope *Nicholas* V. gave 'no room to the Ordinaries, 'nor the other Collators, to 'dispose after the Expiration 'of three Months, any Bene- 'fices comprehended hereto- 'fore under this pretended 'Concession: But also that for 'the future, those whom the 'Pope shall have provided 'with these Benefices, shall 'be oblig'd either to signify 'their Impetration, or obtain- 'ing the Benefice, to the Col- 'lators, within three Months, 'reckoning from the day of 'the Vacancy known in the 'Place where the Benefice lies, 'or to publish it in what man- 'ner soever it be thought fit 'in the said Place: Declaring 'null, and of no effect, all the 'Dispositions and Provisions 'made by the said Collators 'after such Publication: And 'suspending from the Collation

of

The ſame Diverſity and Confuſions remain ſtill to this day; for which the Court of *Rome* hath but two Remedies: One is, that the Jeſuits turn all their Skill to work upon the Conſciences of the Beneficiaries; at their Confeſſions, to perſuade them to take Bulls from *Rome* for Benefices, tho' provided for by the Ordinaries; and ſome accordingly are prevail'd with. The other is, That when an Election or Collation is made that claſhes with the Concordat, the Court of *Rome* annuls it, but then confers the Benefice on the ſame Perſon: An Expedient heretofore much uſed on other Occaſions, as it is at this day in the Caſe of Benefices of great Importance, and where the Perſons are in ſome meaſure dependant on them. Not that it is of ſervice at the time it is practis'd, but becauſe the Writings are carefully kept, and ſerve as Regiſters of theſe Matters, to prove in After-times, that ſuch and ſuch Places have paid Obedience: As alſo many Conſtitutions and Decretals, which have never had their Effect, are skilfully inſerted in the Books of Decretals, to make more Precedents, and draw more Conſequences to their advantage.

'of all Benefices and Offices, 'all Collators, who ſhall pre- 'ſume to infringe this Decla- 'ration.'

This Bull of *Gregory* XIII. ſheweth, that whatever Concordats and Accommodations the Popes made with Princes, they always pretended to have a Right of annulling them, as made by way of Proviſion only, with regard to the Neceſſity of the Times, and until a proper Seaſon offer, to exert their Right in its utmoſt Rigour.

* The *French* Tranſlation ſaith *Gregory* XIII. for *Gregory* VIII. in the *Italian*

(3) *Lewis* Nephew of *Chriſtopher Madrucci*, Cardinal and Biſhop of *Trent*, and his Succeſſor in this Biſhoprick.

CHAP. XLVII.

IN *France* the Pragmatick Sanction was vigorously attack'd by *Pius* II. (1), but defended with great Constancy by the Clergy of *France*, and the University of *Paris*. Upon which the Pope represented to King *Lewis* XI. That it would ill become him to suffer the Decrees of the Council of *Basil* to be observ'd in his Kingdom; for the Dissolution of which himself had taken Arms, and had receiv'd Money from Pope *Eugenius* IV. for that purpose, when he was Dauphin, and had left his Father's Court in discontent. These Reasons wrought upon the King to revoke the Pragmatick (2): But the Opposition made by the University, and the Remonstrances by Parliament, which are still found upon the Journals, where the Grievances of the Kingdom, and of the Clergy or Ecclesiastical Orders are represented, setting forth, That upon a strict Observation, in three Years time there had gone to *Rome* four Millions for Beneficiary Affairs, prevail'd with the King to re-establish it at the end of three Years(3). *Sixtus* IV. to ward this Blow, and to frustrate the Re-establishment, made a Concordat of his own,

(1) He cried, *Guerra, Guerra usque ad capillos.*

(2) In 1461, in the 4th Month of his Reign.

(3) *Paul* II. Successor to *Pius*, sent *John Jofredi*, Cardinal-Bishop of *Albi*, to persuade him to confirm the Revocation of the Pragmatick: But after the Revocation had pass'd at the Chastelet, the Cardinal met with a formal Opposition in Parliament, from *John de St. Roman*, Attorney-General, and at his Return to his House, the University signify'd to him their Appeal to a general Council, and then went to register it at the Chastelet. *See the Ordinances of* Lewis XI. Sept. 10. 1464. *in the Conference of Ordinances*, lib. 1. Tit. 3. part 2. §. 4.

which is extant at this day, but never was receiv'd; and the Pragmatick remain'd in force. *Innocent* VIII. *Alexander* VI. and *Julius* II. set all their Strength to abolish it, but in vain (4).

(4) They were in terrible Frights, lest the rest of the Christian Princes should take the Example of *France*, and make Pragmaticks of the same Nature, to bridle the Papal Power.

CHAP. XLVIII.

AT length *Leo* X. fram'd a Concordat with King *Francis* I. of *France:* Of which the chief Articles were:

That the Pragmatick should be abolish'd: And the Election of Bishops and Abbots should be taken from the Cathedral and Collegiate Churches, and given to the King, who was to name a fit Person, and the Pope to confer the Benefice. It was farther concluded, that the Pope could not give Expectatives, nor make any Reservations general or special; but that the Benefices which should be vacant in four certain Months in the Year to be specify'd, should be confer'd by the Ordinaries on the Graduates of the Universities; and that those vacant in the other eight Months, should be confer'd by the Ordinaries, *ad Libitum*, on whom they pleas'd: Only that every Pope might oblige every Collator, who should have from 10 to 50 Benefices in his Disposal, to confer one, as his Holiness should di-

rect; and even two, if the Collators ſhould have 50 or more (1) Benefices in his Collation.

Tho' there were great Difficulties to encouter in making this Concordat be receiv'd, and that the Univerſity appeal'd to a general Council, lawfully conven'd; yet the King's Authority and Intereſt prevailing, it was publiſh'd and put in execution throughout all *France* (2).

Thus after ſo many Popes had, betwixt the Years 1076, and 1150, thunder'd out ſo many Excommunications (3), and ſet on work ſo many Conſpiracies and Rebellions, with the Loſs of many Millions of Lives, in order to wreſt from Princes the Collation of Biſhopricks, and to give the Election to the Chapters; on the contrary, the Quarrel ſeems now inverted, and *Pius* II. and five of his Succeſ-

(1) Cardinal of *Lorrain* debating in the Council of *Trent* on the Article of Election of Biſhops, ſaith, That St. *Leo* X. and *Francis* I. had divided betwixt them the Collations of Benefices of the Kingdom, as the Hunters do their Prey. *End of the 7th Book of the Hiſt. of the Council.*

But that which *Mezeray* ſaith of the Concordat is worthy of Obſervation: *Leo* X. ſaith he made the Concordat with *Francis* I. by which he obtain'd an Abolition of the Pragmatick and aſſur'd to himſelf the Annates, payable at every Change of Biſhops and Abbots. This Compromiſe in reality encreaſeth the Revenues of the Popes, but extreamly ſullies their Reputation in ſo fantaſtick an Exchange. The Pope, who is a ſpiritual Power, takes the temporal Power to himſelf, and parts with the ſpiritual; that is, the Nomination of Biſhops, to a temporal Prince.

(2) The Clergy of *France*, ſaith the ſame Author in another place, the Univerſities, the Parliaments, and all good Men, put up Complaints, Remonſtrances, Proteſtations, and Appeals to a general Council. Nevertheleſs, at the end of two Years, abſolute Power was to be obey'd, and the Concordat was regiſtred in Parliament.

(3) From the Time of *Gregory* VII. to *Innocent* IV. which contains 200 Years, there were ſeven Emperors excommunicated, *viz.* *Henry* IV. *Henry* V. *Frederick* I. *Philip* I. *Otho* IV. *Fredcrick* II. and *Conrad* I.

ſors

fors (4) have with the ſame Zeal and Conſtancy been ſtruggling to take the Election from the Chapters, and give it to the King, which *Leo* X. at laſt accompliſh'd. So true it is, that a Change in Intereſts draws along with it, both a Change and even a Contradiction in Doctrines.

Thinking and ſpeculative Men, ſuch as were apt to inquire into the Reaſons of this great Change in the Popes, have aſcrib'd it to the Diſlike they had to the Elections of the Clergy, which keep too much in memory the ancient venerable Form and Figure of the Church in this Practice and univerſal Doctrine of Elections; of which we find at this day ſo faint a Reſemblance left: Others found other Reaſons; As that it would be eaſier to get the Collations out of the hands of a Prince, if he happen'd to be a weak one, or to ſtand in need of the Pope's Friendſhip, than out of the hands of the Biſhops and Clergy.

Francis I. again made many Laws to regulate the Right of Poſſeſſion of Benefices, and obſerv'd the Concordat with great exactneſs. But *Henry* II. his Son, ſuſpended the Execution of it, during the Time he was at war with Pope *Julius* III. in the Duke of *Parma*'s Quarrel (5). For in the Year 1551, he forbad all kinds of Proviſions of Benefices to be receiv'd from *Rome*, and commanded that they

(4) *Paul* II. *Sixtus* IV. *Innocent* VIII. *Alexander* VI. and *Julius* II.

(5) The Duke of *Parma* put himſelf under the Protection of *France*, to defend himſelf againſt the Emperor his Father-in-Law, who would have ſeiz'd *Parma* as he had done *Placentia*. The Pope ſummon'd the Duke to appear at *Rome*, and for not appearing declar'd him Rebel: The Emperor, who had kindled the Flame, took the Pope's part, and the King of *France* the Duke's.

ſhould all be conferr'd by the Ordinaries (6): But when the Peace was concluded, the Concordat was again eſtabliſh'd.

In the Year 1561, the Eſtates held at *Orleans*, during the Minority of *Charles* IX. reform'd the Collation of Benefices in ſeveral particulars, and took away many things contain'd in the Concordat (7). But great Confuſions and Wars following in that Kingdom, at a time when the Cardinal of *Ferrara* (8) came Legat into *France*, he obtain'd a Suſpenſion of the Ordinances made at *Orleans* (9); on condition that the Pope ſhould forthwith put a ſtop to theſe Corruptions, which had given occaſion to that Remedy: But nothing of this being put in execution, the Concordat ſtill remains in force. And thus Affairs paſs'd in *Germany* and *France*.

(6) That Edict ſet forth, That it was not juſt, that *France* ſhould furniſh the Pope with Money to make War with the *French* Nation; and therefore forbad abſolutely, that any Silver or Gold ſhould be carried to *Rome*, or into any other Place under the Pope's Obedience, for Benefices, Diſpenſations, or other Graces, under Pain of Confiſcation to Eccleſiaſticks, and of corporal Puniſhment to Seculars; giving the third of the Confiſcation to thoſe who ſhould inform.

And the Procurator-General, when he made the Edict be verify'd in Parliament, ſaid, It would be a notorious Folly in the *French* Nation, to find the Court of *Rome* with Money, to make War againſt their own Prince. And beſides, that they could eaſily live without the Papal Diſpenſations, which however were not of force to acquit our Conſciences before God.

(7) In the Convention of thoſe Eſtates, the Deputies of the Clergy declare, that they had obſerv'd that the Hereſy of *Luther* was born in the ſame Year with the Concordat.

(8) *Hippolitus* of *Eſte*, of the Houſe of the Dukes of *Ferrara*, Grandſon of Pope *Alex.* VI.

(9) One of which was to forbid paying the *Annates*, and ſending any Money to *Rome* for Benefices, or Diſpenſations.

CHAP.

CHAP. XLIX.

BUT the face of Affairs in *Italy*, ſince we laſt deſcrib'd them, hath in a great meaſure been chang'd by the holding the Council of *Trent*, which made many Decrees againſt the Abuſes then reigning in the matter of Benefices.

And tho' from the firſt opening of that Council, which was in the Year 1547, it began to ſet itſelf in earneſt about a Reformation, yet none of the Decrees it made being put in execution, till after its Concluſion, which was in the Year 1563; they muſt all be reckon'd to take their riſe from that Time.

Three Things this Council chiefly had in view to remedy; *Firſt*, Plurality of Benefices; *Secondly*, Hereditary Succeſſion; and *Thirdly*, Non-reſidence.

To take away Pluralities, it was decreed, That no Perſon, not even a Cardinal, ſhould hold more than one Benefice; and if that were not ſufficient for the Support of the Incumbent, he might have one more without Cure of Souls (1). *Commendams* for Life

(1) Quoniam multi ea quæ bene conſtituta ſunt, variis artibus illudere, & plura ſimul beneficia obtinere non erubeſcunt, ſancta Synodus præſenti decreto, quod in quibuſcunque perſonis, quocunque titulo, etiam ſi Cardinalatus honore fulgeant [the Cardinals are here expreſly nam'd, which the *Spaniſh* Biſhops could not obtain in 1547, when they remonſtrated the Neceſſity of naming them, ſeeing, according to the Canoniſts, they are never comprehended under general Terms] mandat obſervari, ſtatuit, ut in poſterum unum tantum beneficium Eccleſiaſticum conferatur: Quod quidem ſi ad vitam ejus cui confertur, honeſte ſuſtentandum non ſufficiat, liceat nihilominus aliud ſimplex, ſufficiens, dummodo utrumque perſonalem reſiden-

Life were forbid to be enjoy'd with Benefices that had Cures, as being a Cover for holding two (2). It was alſo decreed, That for the future no Monaſteries ſhould be turned into *Commendams*, and that thoſe which were, ſhould be turn'd again into Titles, as they became vacant (3). It prohibited alſo Unions for Life, which was another Pretext of giving ſeveral Benefices under one Name (4).

To aboliſh Hereditary Succeſſion, it abſolutely prohibited the Regreſs and Acceſs; as alſo Coadjutorſhips, with Succeſſion in Reverſion, except in Cathedrals and Monaſteries: And it took the liberty to exhort the Pope to grant none, but for juſt

reſidentiam non requirat, eïdem conferri. Hocque non modo ad Cathedrales Eccleſias, ſed etiam ad alia omnia beneficia quacunque etiam commendata pertineant, cujuſcunque tituli ac qualitatis exiſtant, *Chap.* 17. *of the Decree of the Reformation, of Seſſion* 24. Where, it is worthy of Obſervation, that this Chapter ſerves for an Explanation of the 2d Chapter of Seſſion 7. which ſpeaks only of Cathedral Churches, and makes no mention of Cardinals, but in theſe general Terms [*quæcunque etiam dignitate aut præeminentia præfulgens*] by which the Cardinals, according to the Rule of the Canoniſts juſt now alledg'd, might retain ſeveral Biſhopricks.

(2) Quicumque plura beneficia curata ſive per viam unionis ad vitam, ſeu commendæ perpetuæ recipere, ac ſimul retinere præſumpſerit, beneficiis ipſis, præſentis canonis vigore, privatus exiſtat, *Chap.* 4. of the Reformation of *Seſſion* 7.

(3) Confidit (ſancta ſynodus) ſanctiſſ. Rom. Pontificem, pro ſua pietate, & prudentia, curaturum, ut monaſteriis, quæ nunc commendata reperiuntur, quæ ſuos conventus habent, regulares perſonæ ejuſdem ordinis præficiantur. Quæ vero in poſterum vacabunt, non niſi regularibus conferantur. *Chap.* 21. of Reformation of Regulars, *Seſſion* 25.

(4) *See the laſt Note but one, to which the Chap.* 17. *of the Reformation of Seſſion* 24. *addeth,* Illi vero, qui in præſenti plures parochiales Eccleſias obtinent, cogantur omnino, quibuſcunque diſpenſationibus ac unionibus ad vitam non obſtantibus, una tantum parochiali retenta, alias infra ſpatium ſex menſium dimittere, *&c.*

and

and evident Cauſes (5). But this Prohibition has prov'd without any Effect.

In the fourteen laſt Months of this Council (6), the Point of Reſidence was debated with ſome Warmth: For, upon a Queſtion mov'd by the Doctors, Whether Reſidence of Biſhops and Curates at their Churches were of Divine Right, or a Right only founded on the Canon-Law, the Council was ſo divided, that in the Month of *April*, in 1562, coming to a Scrutiny, there were found 67 Votes for the *Jus Divinum*, 33 for the *Jus Poſitivum*, and 30 for coming to no Concluſion at all, without firſt conſulting the Pope.

Theſe of the firſt Opinion were thoſe of the *Tramontanes* and Northern Nations, and other diſcontented Biſhops: Of the ſecond and third Opi-

(5) Cum in Beneficiis Eccleſiaſticis ea, quæ hæreditariæ ſucceſſionis imaginem referunt, ſacris conſtitutionibus ſint odioſa, & Patrum decretis contraria, nemini in poſterum acceſſus, aut regreſſus etiam de conſenſu, ad beneficium Eccleſiaſticum cujuſcunque qualitatis concedatur——hocque decretum in quibuſcunque beneficiis Eccleſiaſticis ac in quibuſcunque perſonis etiam Cardinalatus honore fulgentibus, locum habeat. In Coadjutoriis quoque cum futura ſucceſſione idem poſt hac obſervetur, ut nemini in quibuſcunque beneficiis Eccleſiaſticis permittantur. Quod ſi quando Eccleſiæ Cathedralis, aut Monaſterii urgens neceſſitas, aut evidens utilitas, poſtulet Prælato dari Coadjutorem, is non alias cum futura ſucceſſione detur, quam hæc cauſa prius diligenter à ſanctiſſ. Rom. Pontifice ſit cognita —— alias conceſſiones ſuper his factæ ſurreptitiæ eſſe cenſeantur. *Chap.* 7. of the general Reformation of the *Seſſion* 25.

(6) This matter was the firſt time handled in the Year 1546. The firſt who began to awaken Mens Thoughts in this Matter, were two *Spaniſh Jacobins*, *Bartholomew Caranca*, and *Dominique Soto*, who urged vehemently, that Reſidence was of Divine Right: Which Opinion Cardinal *Cajetan*, who was of the ſame Order, had maintain'd ſome Years before, but was ſaid to have changed his Opinion, when he came to be a Biſhop, becauſe he never reſided at his Biſhoprick.

nion

nion were thoſe who adher'd to the Court of *Rome* (7).

If Reſidence had been declar'd of Divine Right, it muſt have follow'd, that the Pope could not diſpenſe with it; and that the Authority of the Biſhops muſt have been of Divine Right, and that conſequently no human Power could reſtrain it (8). All which had a dangerous tendency to the diminution of Papal Power.

Thus the two Parties maintain'd the Diſpute with great Warmth and Freedom, till at length from debating they fell into Factions and Cabals: And at

(7) In the ſixth Book of his Council of *Trent* he ſaith, That the Legates got a Writing to be read in a general Congregation, by which the Fathers were deſir'd to declare their Opinions, whether Reſidence were of Divine Right or no, by the ſingle Expreſſion of *Placet*, or *non Placet*. And that the Votes being taken, 68 were found *Placet*, 33 *non Placet*, and 13 *Placet, conſulto prius ſanctiſſimo Domino noſtro*; and 17 *non Placet, niſi prius conſulto ſ. D. n.* He adds, That the 13 differ'd from the 17, in that they were for the Divine Right being declar'd, whereas the 17 were in effect not for it, but conſented in caſe the Pope gave his Conſent: And tho' theſe Diſtinctions were Metaphyſical enough, yet the 13 and 17 were equally agreed in making their Court to the Pope.

(8) *Paul Jovius*, Biſhop of *Nocera*, debating on the Point of Reſidence in the Council, ſaid, That as the *Jus Divinum*, if once it were admitted, was a Thing could never be diſclaim'd again, ſo it would ſerve as a Buckler to all rebellious Biſhops againſt that Pope, whenever he cited them to *Rome*, to give an Account of their Actions or Doctrine; as the Archbiſhop of *Cologne* had done againſt *Paul* III. That he much fear'd ſome Biſhops would, under Covert of the *Jus Divinum*, withdraw themſelves from the Obedience of the Pope, on which depended the Union of the Church: But he would venture to tell them, this would be a fair Encouragement to the Curates to ſhake off the Epiſcopal Authority; becauſe being the immediate Paſtors, they would pretend that their Flock was nearer to them than to the Biſhop; by which the Hierarchy of the Church would degenerate into Anarchy. *Hiſt. Conc. Trent. lib.* 6. & 7.

the

the end of 14 Months, Reſidence was determin'd and enjoin'd, but without declaring by what Right Men were oblig'd to it: Only Penalties were laid on ſuch as did not reſide (9). And for the reſt, all things were left in their former Eſtate.

In the mean time, thoſe who were preſent at this Council, and who have ſince left any Writings behind them, eſpecially of Divinity, have not ſcrupled to aſſert, That Reſidence is of Divine Right, and that to affirm the contrary, was to deny the ſacred Scriptures, all Antiquity, and even natural Reaſon itſelf (10). But then, not to draw the In-

(9) Ne ea quæ de Reſidentia ſanctè & utiliter jam antea ſub felicis recordat. Paulo III. ſancita fuere in ſenſus a ſacro-ſanctæ Synodi mente alienos trahantur ——declarat ſacro-ſancta Synodus omnes Patriarchalibus, Primatialibus, Metropolitanis, ac Cathedralibus Eccleſiis quibuscunque præfectos etiamſi S. R. E. Cardinales ſint, obligari ad perſonalem in ſua Eccleſia, vel Dioceſi reſidentiam, ubi injuncto ſibi Officio defungi teneantur, neque abeſſe poſſe—— Niſi Chriſtiana charitas, urgens neceſſitas, debita obedientia, ac evidens Eccleſiæ vel reipublicæ utilitas poſtulent, & exigant.

And one Page after,

Si quis autem contra hujus decreti diſpoſitionem abfuerit, ſtatuit ſacro-ſancta ſynodus præter alias pœnas adverſus non-reſidentes ſub *Paulo* III. impoſitas, & mortalis peccati reatum, quem incurrit, eum fructus ſuos tuta conſcientia retinere non poſſe, ſed teneri illos fabricæ Eccleſiarum, aut pauperibus loci erogare, prohibita quacunque conditione, vel compoſitione, quæ pro fructibus male perceptis appellatur, *&c. And as for Curates,*

Liberum eſſe vult Ordinariis per cenſuras Eccleſiaſticas, & ſubtractionem fructuum, aliaque juris remedia etiam uſque ad privationem compellere. *Cap.* 1. of the Reformation of *Seſſ.* 23.

(10) The *Jacobin* Fryar *Bartholomew Caranca,* ſcrupled not to ſay, in preſence of all the Fathers of the Council, That it was a diabolical Doctrine. It were to be wiſh'd, that the Biſhops of the Court were ſo perſuaded; they would not then ſtay till the Prince, weary of ſeeing their Faces, ſends them to reſide in their Biſhopricks; or at leaſt, that when they are commanded thither, they would not think themſelves going into Baniſhment.

dignation

dignation of the Court of *Rome* too much upon themſelves, they found out ſome Exceptions, by which the Pope had a fair Way left open to Diſpenſations.

As for the Reſervations, tho' a Point ſo eſſential, and now grown to exceed all Bounds, the Council let them paſs unobſerv'd, becauſe, indeed, they concern'd the Pope's own Perſon; ſo they continued as they were, and by continuing, they have ſince encreas'd *.

* See the three laſt Pages of the following Chapter.

CHAP. L.

IT was imagin'd, with great Appearance of Probability, that the Abolition of the Unions, *Commendams* for Life, the Regreſs, and Coadjutorſhips would have proved a ſovereign Remedy, at leaſt to the greateſt part of theſe Corruptions. But an Expedient was quickly found on this, as on other occaſions, to elude the Efficacy of the beſt Medicines; an Expedient, which had not only the ſame laudable Effect with the four Inventions which were ſuppreſs'd, of religiouſly preſerving all the Abuſes, but even a greater: This was, the Penſion.

It hath been an Obſervation of pious and devout Perſons, That the Court of *Rome*, as if it had been a ſtanding Order in thoſe Times, never ſuffer'd a gainful Abuſe to be corrected or aboliſh'd, but ſhe had a higher to put in the room of it, more notorious and more profitable: Which is ſufficiently verify'd

verify'd in this of the Penſion. Yet it is not to be underſtood, as if the charging Benefices with Penſions were an Invention of our Times, but only the Manner, and the frequent Practice of it, which is new and peculiar.

When all the Eccleſiaſtical Goods were in common, the Name of Penſion was a Thing unheard of: And when they came to be ſet out and divided into Benefices, the univerſal Practice, without any contrary Inſtance, was to confer them intire, and without diminution. But afterwards, when the Clergy had learn'd to litigate their Rights, and thoſe Rights were doubtful, it was a natural Compromiſe for one of the Parties to yield up his Pretenſions, upon his having one Part of the Revenues allotted to him, under the Name of Penſion *. Likewiſe if two Incumbents, for ſome good Cauſe, agreed to exchange Benefices, with the Conſent of the Biſhop, he who quitted the better Benefice, had it made up to him in a Penſion †. And again, when any one reſign'd with the conſent of the Prelate, a Penſion was aſſign'd him for his Maintenance ‖.

Of theſe three ſorts of Penſions, the Decretals of the Popes towards the Year 1200, make mention: *France* admits them ſtill as legitimate ‡ and authen-

* See the Chap. *Niſi eſſent* 21. *extra de Præbendis*; which is the Foundation of Penſions, according to the Gloſs, which ſaith upon this Decretal, that *Occaſione hujuſmodi proviſionis aſſumunt quandoque aliqui cauſam male faciendi*. Gloſſ. in verb. ex juſſione, in fine.

† Cap 6. extra de rerum permutatione.

‖ Vide Cap. ex parte 12. extra, de Officio Judicis de leg. & ibi Felin. Num. 1. Felin. ad Cap. ad audientiam. Num. 2. extra de reſcriptis.

‡ Vide Rebuff. tract. de pacific. Num. 110. Duaren. de benefic. Lib. 6. cap. 4. Coras Sacerdot. paragraph. 1. cap. 4. Num. 12. & Joan. Davezan de penſionib. benefic. pag. 88.

§ Cap. per tuas, extra de donationibus.

tick,

tick, whereas ſhe rejects a Train of others as deſerving, and of great variety; namely, ſuch as are given to one for his Livelihood only, and for no other Conſideration; or for having merited well of the Apoſtolick See; or for having ſerv'd ſuch a Church or ſuch a Prelate; for being learn'd or for Probity of Manners *; or only for being in the Pope's good Graces: And laſtly, ſuch as are given to Children, becauſe they are of promiſing Parts.

All theſe are juſtifiable Motives, according to the Canoniſts, for granting Penſions; to which they ſcruple not to add, that the Pope may charge any Benefice whatſoever with a Penſion, and give one to whomſoever he pleaſeth, without any of the Cauſes allowed; and that its being the Pope's Will, is ſufficient to ſecure the Conſcience of him that receiveth it.

So that, whereas formerly it was uſual to hold two Benefices with Cure of Souls, the one in Title, the other in *Commendam*, or elſe the two united Benefices for Life, with Obligation to allow a Stipend to the Prieſt who officiated in one of them; at preſent the Benefice is given in Title to another, and the Revenue of it, by way Penſion, to himſelf; which turns all to the ſame, and even anſwers better all the Ends it was deſign'd for. Before, the Beneficiary was anſwerable for the Faults of his Subſtitute, and therefore was oblig'd to have an eye over his Behaviour; but this way he hath the ſame Advantage, freed from all the Care.

Likewiſe, whoever took a Coadjutor to aſſiſt him, or reſign'd with a Condition of Regreſs, had ſtill ſome Care of the Benefice remaining on him, where-

* Cap. de multa, in fine extra, de præbendis. Davezan de Penſionibus. p. 89.

in

in he had ſome Intereſt, by the Power he had of re-entring. But on the contrary, he who reſigns, reſerving to himſelf a Penſion, delivers himſelf at once from any Care or Duty incumbent on him from the Benefice: And whether the Reſignee die or reſign, is wholly unconcern'd, his Penſion being ſecured and paid without any trouble.

Sundry other Conſiderations make a Penſion more eligible than a Benefice. Many Benefices require entring into holy Orders, and conſequently a certain Age to qualify him for the receiving them: The firſt Tonſure, and the Age of ſeven Years qualify for a Penſion.

Penſions are alſo given even to Laymen; as to the Knights of St. *Peter*, who were inſtituted by *Leo* X. To the Knights of St. *Paul*, who were inſtituted by Pope *Paul* III. To thoſe called the pious Knights, inſtituted by Pope *Pius* IV. And to thoſe of *Loretto* by Pope *Sixtus* V. Every one of which may have from 150 to 200 Crowns in Penſions; and to whomſoever the Pope pleaſeth beſides.

When Men held more than one Benefice at a time, there was always a Complaint of ſomething wanting, ſomething to be mended, for which a Diſpenſation was neceſſary, which coſt Money. And yet for all this, the Caſuiſts have been ſo incurable in their Scruples, as to doubt, whether even Diſpenſations can ſet the Conſcience clear in this Caſe: But for Penſions, they may be held without Scruple, and without Number, no Penſions being incompatible.

Another Advantage in a Penſion is, That it may be given with a Power of aſſigning it to another at pleaſure, which cannot be done in the Caſe of Benefices, without paſſing through the Forms of Reſignation: And whereas Reſignations are not valid, if the Reſigner live not 20 Days after, a Penſion

ſion may be transferr'd and aſſign'd at the point of Death.

But the Conſideration which reccommends it beyond all others is, that a Penſion may be extinguiſh'd, or, to ſpeak more intelligibly, may be turned into ready Money; tho' every Contract made where a Benefice is the Conſideration, is reputed ſimoniacal.

By extinguiſhing a Penſion, is only meant to receive a Sum of Money from the Beneficiary or Incumbent, which diſchargeth him from paying the Penſion: Which Sum is determined by the Age of the Penſionary.

Before our Days, when there lay no way open of making Money of Benefices, it would have paſs'd for an infinite Offence both againſt GOD and Men: Now it is done avowedly, in theſe Terms, *I have a Benefice of* 200 *Crowns value, I reſign it to* John *or* Thomas, *for a Penſion of* 100 *Crowns: And afterwards I extinguiſh the Penſion for* 700 *Crowns paid down: Thus I have made* 700 *Crowns of my Benefice without Sin.* All which Circuit of Words to People of groſs Underſtandings and little Penetration, ſeems to amount only to this, *That I had ſold my Benefices for* 700 *Crowns.*

There are beſides many more Conveniences belonging to a Penſion, according to the Practice at this day, than to Unions, *Commendams*, Coadjutorſhips, or Regreſſes. Some People, who extolling the many fruitful Ways the Pope hath of raiſing Money for the Occaſions of the Apoſtolick See, have affirm'd, That if he ſhould ſet open the Door of the Regreſs only, he might raiſe all he had occaſion for, extreamly betray their Ignorance in theſe Beneficiary Matters; for the Regreſs would not now

now bring in one Farthing (1): The Penſion is, by many Degrees, more preferable for Profit and Convenience: It was therefore the eaſier to execute [*il Concilio le Concile*] as it turn'd more to advantage.

This ſeems neither intelligible in the *Italian* nor *French*.

But the taking away *Commendams* (2) from the Monaſteries, which the Council likewiſe enjoin'd, hath been without effect (3) to this day; and even many Monaſteries, which were in Title only, have been ſince turn'd into *Commendams*, for want of ſome Contrivance to make advantage of their Suppreſſion: And ſince the Penſion can be impos'd by none but the Pope, the Court of *Rome* draws great advantage from that Privilege.

Theſe were the Changes introduced in *Italy* by the Council of *Trent*, which, by not having taken any notice of the Reſervations, have given an Opportunity of multiplying them to that degree, that the Pope hath five parts in ſix of the Benefices in his Diſpoſal; with very reaſonable Hopes, that the ſixth which remains, will go the ſame way.

By the Rules of Chancery, all ſuch Benefices are reſerv'd to the Pope, as *John* XXII. and *Benedict* XII. reſerv'd to themſelves *; and alſo all ſuch as were

(1) Seeing thoſe who obtain'd them would not be able to make any uſe of them, becauſe of the Oppoſition from the Biſhops and Magiſtrates, eſpecially in *France*, where the Parliament of *Paris* hath hinder'd their being receiv'd.

(2) In the Chap. 21. of the Reformation of Regulars, of the Seſſion 25. quoted in the Notes of the precedent Chapter.

(3) For the Court of *Rome*, always ſubtle in Diſtinctions, thought fit to declare, after the cloſing the Council, that the Benefices which had accuſtom'd to be in *Commendam*, might reaſonably remain ſo. Now ſeeing for more than 100 Years the Popes had put almoſt all the regular Benefices in *Commendam*, there were very few left, which had not had two or three Commendatories, and conſequently Cuſtom was always adjudged to be on their Side, for being in *Commendam*.

* See the Rules in Chancery, *tempore* Innocent X. *Rule* 1.

obtain'd by any Perſon who had been an Officer in the Court, tho' he had quitted the Office. To him alſo are reſerv'd all Patriarchats, Archbiſhopricks, Biſhopricks, and Religious Houſes of Men, which exceed the value of 200 Florins of Gold †; likewiſe all Benefices becoming vacant by the Ceſſion, Deprivation, or Death of the Collator, whoever he be, until his Succeſſor have obtain'd peaceable Succeſſion: All the chief Dignities in the Cathedrals and Collegiate Churches, Priories, Provoſtſhips, and other conventual Dignities and Preceptories of all the Orders, except the Military: Benefices held by any Domeſtick of the Pope or Cardinals, tho' he were no longer in their Service, and tho' he had quitted it, or tho' his Maſter were dead: All Benefices held by Collectors and Sub-collectors; All held by *Roman* Courtiers, who happen to die in the Journey, when the Court travels: All held by Chamberlains, and Criers or Serjeants *. Beſides all theſe Reſervations, which in reality comprehended all the principal Benefices, and a great part of the reſt, the Pope generally reſerves to himſelf all thoſe which ſhould become vacant in eight Months of the Year ‖, leaving only four Months of Diſpoſal to others: And yet this is only for ſuch Benefices as are not of the number we have recited. Laſtly, a Conſtitution of *Pius* V. reſerves All Benefices vacant for Hereſy (4), or for *Confidentia*

† Rule 2. §. Rule 4.
* Rule 5, 6, 7.
‖ Rule 9.

(4) Omnia & ſingula beneficia Eccleſiaſtica, cum cura, & ſine cura ſecularia, & quorumvis Ordinum etiam S. Joannis Hieroſolymitani, & aliarum quarumvis militarium regularia, quæcunque & qualiacunque ſint, etiam ſi ſecularia, canonicatus & prebendæ, dignitates & perſonatus, adminiſtrationes, vel officia in Cathedralibus etiam Metropolitanis, vel Collegiatis, & dignitates ipſæ in Cathedralibus

dentia * (5), and all that ſhall not be confer'd according to the Decree of the Council of *Trent* (6). So

thedralibus etiam Metropolitanis poſt pontificatus majores, ſeu Collegiatis Eccleſiis hujuſmodi principales; Regularia vero beneficia hujuſmodi, monaſteria etiam conſiſtorialia, prioratus præpoſituræ, præpoſitatus dignitates etiam conventuales, vel officia etiam clauſtralia, ac hoſpitalia, & præceptoriæ, ordinationi & diſpenſationi noſtræ & ſedis Apoſtol. hac perpetuo valitura conſtitutione, authoritate apoſtolica, tenore præſentium reſervamus: Declarantes omnes & quaſcunque impetrationes de beneficiis quomodocunque qualificatis, in futurum faciendas, & obtinendas, beneficia hujuſmodi propter hæreſim vacantia, & in futurum vacatura, non comprehendere, niſi ſpecialiter vacationis nodus propter crimen hæreſis expreſſus fuit. *Decret. lib.* 7. *tit.* 11. *cap.* 4. This Conſtitution is in *January*, 1566.

* Which is keeping a Benefice in private Truſt for another.

(5) Ad aures noſtras pervenit, ut nonnulli non veneantur ——beneficia ſecularia, & regularia in Confidentiam, quam Simoniacam pravitatem ſapere non ignorant, acceptare, ac retinere. Nos——ne abuſus, vel potius delictum hujuſmodi ulterius progrediatur, celeri remedio providere volentes, præmiſſorum omnium cognitionem nobis, & ſucceſſoribus noſtris Rom. Pontificibus reſervantes omnes & ſingulas confidentiarum hujuſmodi cauſas, per nos ſummarie, ſimpliciter, & de plano, audiendas, cognoſcendas, decidendas, & totaliter exequendas, ad nos avocamus, deciſionique & terminationi per nos ſuper illis faciendæ ſtandum, acquieſcendum, & omnino parendum & obediendum fore, ſtatuimus & ordinamus. *Decret.* 7. *tit.* 10. *cap.* 10.

(6) Nos ad quorum notitiam pervenit, nonnullos ex venerand. fratribus noſtris Archiepiſcopis, & Epiſcopis, excurrente vacatione parochialium Eccleſiarum, eas nullo aut minus rite ſervato examine, præſertim illo quod per concurſum fieri debet ex concilio Tridentino, vel etiam rite ſervato examine perſonis minus dignis, carnalitatis, aut alium humanæ paſſionis affectum, non rationis judicium ſequentes, contuliſſe, volentes hujuſmodi, ac etiam futuris periculis occurrere, authoritate Apoſtolica, tenore præſentium, omnes & ſingulas collationes, proviſiones, inſtitutiones, & quaſvis diſpoſitiones parochialium Eccleſiarum ab eiſdem Epiſcopis, & Archiepiſcopis, ac quibuſvis aliis collatoribus, præter & contra formam ab eodem Concilio Tridentino præſcriptam, factas, aut in futurum faciendas, nullas, irritas, ac nullius roboris fore & eſſe, decernimus & declaramus eaſque omnes, ſic vacantes, noſtræ & ſedis Apoſtolicæ diſpoſitioni reſervamus. *Ibid. Cap.* 2.

that whoever shall put all these Reservations together, will be found to have done the Pope no wrong in the Calculation, and that he hath at least five times as many Collations as all the other Collators put together.

To give every one their Due, we ought not to pass over in silence the vigilant Care express'd by the Popes, that the Bishops themselves and the other Collators should have no Door left open to practise any Abuses. And therefore they have never been allow'd to unite Benefices for Life, nor to put them in *Commendam* for Life; nor to dispense with the Plurality of Benefices which are incompatible; nor to grant Regresses or Coadjutorships with Succession in Reversion: And now the Popes shew the same Vigilance at this day, in prohibiting the Prelates to charge any Benefice with the least Pension, or to receive Resignations *in Favorem*. And even as to absolute Resignations, which have been of so ancient Usage in the Church, *Pius* V. in 1568, prohibited all the Ordinaries, who receiv'd any Resignations, under the most grievous Penalties, from conferring the Benefice resign'd, on any of the Parents, Allies, or Domesticks of the Resigner; enjoining too, that neither by Word, Gesture, nor any other Sign, the Person should have any Intimation to whom the Resigner desir'd the Benefice should be given (7).

CHAP.

(7) Caveant Episcopi, itemque omnes Electores, præsentatores & patroni tum Ecclesiastici quam Laici, ne verbo quidem aut nutu, aut signo futuri in hujusmodi beneficiis successores ab ipsis resignantibus, aut aliisque eorum significatione, vel hortatu designentur, aut de his assumendis promissio inter eos, vel etiam intentio qualiscunque intercedat. Ceterum præcipimus atque interdicimus, ne ipsi Episcopi, aut alii collatores de beneficiis, & officiis resignandis, aut suis, aut admittentium consanguineis

ſanguinicis, affinibus, vel familiaribus etiam per ſallacem circuitum multiplicatarum in extraneos collationum, audeant providere——Qui contra fecerint, a beneficiorum & officiorum collatione, nec non electione, preſentatione, & inſtitutione, tam diu ſuſpenſi remaneant, donec remiſſionem à Rom. Pontifice meruerint obtinere; & qui talia beneficia ſeu officia receperint, eos prædictis pœnis volumus ſubjicere. *Decretal lib.* 7. *tit.* 14. *cap.* 3. This Decretal is dated *April* 1, 1568.

CHAP. LI.

IT is conſtantly maintain'd by all the Canoniſts and Caſuiſts, that all Compacts or Bargains in which Benefices are concern'd, are Simoniacal, when it is done without the Pope's concurrence; but that being obtain'd, gives a ſanction to every thing; founded on this univerſal Propoſition, That the Pope cannot commit Simony in beneficiary Matters.

This being a Doctrine with which the World is not much edify'd, ſome Canoniſts more modeſt than the reſt, diſtinguiſh betwixt a Simony forbid by the Laws of GOD, and one forbid by human Laws only (1): adding withal, that the Pope alone is not capable of committing Simony of the latter ſort. But this Diſtinction ſeems to clear no Difficulty; for that which is not evil in its own Nature, nor forbid by GOD, deſerves not the Name of Simony: Beſides, that it is Labour loſt to make a Law, and not to have it obſerv'd. But whoever

(1) This is the Diſtinction upon the Gloſs, upon the Chapter, *Cum pridem* 4. *verbo* [*illicitæ*] *extra de pactis*: Which is followed by all the *Tramontains*. See *Felin. ad cap. ex parte* 12. *Num.* 1. *extra de officio Judicis delegati.*

reflects thoroughly on this Point, without seeking a Subterfuge or Evasion by Words, will see that both the one and the other Simony is prohibited by GOD.

Certainly it is a Justice which cannot be denied the Pope, that he hath held the Bishops so strictly to their Duty, that he hath nothing to answer for in that regard. And it is a signal Instance of the Divine Favour, which hath enabled the Popes to preserve the rest of the Church so untainted from the Corruption of Simony, since they have not been able to defend themselves, nor their Court, from the Infection.

And as we may have leave to hope (2), that one Day will produce some Pope of so much Vertue, as to make a Reformation in his Court; there cannot surely be a plainer Road than is already mark'd out to him, to accomplish it, in putting himself under the Obedience and Discipline of those Laws, which have been practis'd with so much Rigour on the other Bishops. Then we should soon see the happy Effect, if it were not defeated by Flattery and Insinuations very improper for great Reformations; such as, that the Popes who are, throughout all *Italy* and in some other Places, in possession of a Privilege so valuable, as not to be subjected to any Rule, have not reason to divest themselves of the Right (3); and do a manifest Prejudice to the

(2) Chiefly at this Day, when God hath given the Church a Pope irreprehensible, and who having so constantly renounced the Flesh, and the Inclinations of Blood, may say with St. *Paul*, *mihi Mundus crucifixus est, & ego Mundo.* Galat. ultim.

(3) For the Court of *Rome* hath established it as a fundamental Maxim, that the Pope hath not the Power of making any Alteration in the Papal Authority, and consequently cannot, for any Reason whatsoever, lawfully release any Right, nor would it be valid.

Apostolick

Apoſtolick See. Which is a reaſoning ſo directly contrary to the profeſs'd Doctrine which the ancient holy Popes and Fathers have taught.

But it is eaſy to determine, by what hath been ſaid, that if the Pope have ſo abſolute a Power over the Benefices and Eccleſiaſtical Goods, he is ſubject to no Rule himſelf in the Diſpenſation of them. For to reaſon juſtly, If the Church of every particular Place be abſolute Miſtreſs of the Goods ſhe is poſſeſs'd of, becauſe thoſe who had the Property of them before, had transferr'd it to that Church with the Permiſſion of the Prince, who, by virtue of his Laws, had made it capable of acquiring Eſtates; it follows, that theſe Eſtates ought to be under the Management and Adminiſtration of thoſe to whoſe Care they are committed; *firſt*, according to the Law; *ſecondly*, according to the Conditions preſcrib'd by the firſt Owner, *viz.* the Donor or Teſtator; and *finally*, according to the Directions of the Church to whom they belong; provided ſtill, they contradict not the Diſpoſition of thoſe from whom ſhe derives her Right.

This is ſo evident, and carries ſo much Conviction along with it, that whoever diſputes it, ſeems either to be void of common Senſe, or wilfully to renounce the Light of his own Reaſon.

The Church-men have the Adminiſtration of theſe Goods, by virtue of the Laws, which have impowered Chriſtian Communities to acquire immoveable Eſtates, by the Will of the Donors and Teſtators who have bequeath'd them, and by the Authority given by the Church, declar'd in the Canons. They are therefore oblig'd to govern and diſpenſe theſe Goods according to the Laws, Conditions, and teſtamentary Diſpoſitions, and withall according to the Canons: And whatever is done

contrary to these, can be accounted no other than Injustice and Usurpation.

The Canonists say, That the Pope hath a Power so absolute over the Ecclesiastical Goods and Benefices, that he can unite, divide and bestow them in whatsoever manner he pleaseth, confer them before they be vacant, erect new ones, impose Services, Burdens, and Pensions, in which no Bounds can be set him (4); and finally end in this decisive Conclusion, That in Beneficiary Matters, the Will of the Pope stands in place of Reason.

It is not easy to carry a Doctrine higher, than where Reason is declar'd useless; yet they stop not here, but add, That the Pope can change Dispositions of Wills (5); and apply the Legacies of Charity

(4) St. *Thomas* did not believe this, who speaks so plainly, declaring, that the Pope is only the principal Dispenser, and that Honesty and Fair-dealing is absolutely necessary to that Trust. He speaks of Bishops, among which he includes the Pope himself in these Terms, *Ecclesiasticorum bonorum sunt dispensatores vel procuratores—— ad dispensatorem autem requiretur bona fides.* 2. 2. quest. 185. art. 7. Now Honesty and Fair-dealing are as incompatible with the Disposition *ad Nutum*, as Liberty with Servitude. And consequently, if the Pope is subject to the same Infirmities with other Men, and to the same Passions, his *ad Nutum* may sometimes occasion Evils, if Princes and Bishops always left him to himself.

(5) Saith the Author, towards the end of his 6th Book of the History of the Council of *Trent*, As Wills take their force from the Civil Law, they cannot be changed, but by the Prince or Magistrate. And if any one say, that it is the Law of Nature which gives them Force, it is answer'd, That it is for that very Reason that the Ecclesiasticks ought still to have less Authority, since none but the Prince can dispense with this Law, when there is Reason to do it. Now, according to St. *Paul*, the Ministers of Christ have no Administration but in Divine Matters. It is worthy of Observation, by the way that the *Roman* Magistrates were so religious in point of Wills, that even *Tiberius* could not obtain, that the Money

rity to other Purpoſes than they were given. And it cannot be denied, that this Practice has introduc'd all the Changes which the Church has undergone in her Inſtitutions and Policies: The Queſtion ſtill remains, if it can admit of any Doubt, who hath err'd, the Ancients or the Moderns.

Martin Navarr, with ſome others of the moſt moderate among the Canoniſts, reſtrain the Propoſition of their high-flown Brethren to this, That the Pope may only alter Teſtaments, when there is a lawful Cauſe for it. Otherwiſe it would be to deprive a Man of what is his own, and of the Right which the natural and divine Law gives him over it: And then proceeding to inſtance in Particulars, adds, That the Pope cannot, without good cauſe, give to one Church what hath been left to another (6): How much leſs then can he do it to Perſons not nam'd?

He ſaith withal, that this Aſſertion of the Canoniſts, That the Will of the Pope is of equal Authority with Reaſon itſelf in beneficiary Matters, is to be underſtood only of ſuch things as are of poſitive Right, but not of ſuch as cannot be put in practice without violating both the natural and divine Law: And thoſe who do not allow an unlimited Power to the Pope, ſhould bring the Canons of the

Money left by Will to build a Theatre, ſhould be employ'd to another Uſe. *Cenſente*, ſaith *Suetonius*, *ut Trebinis Legatam in opus novi Theatri pecuniam ad munitionem viæ transferre concederetur, obtinere non potuit, quin rata voluntas legatoris eſſet.* in Tib.

(6) Quamvis, *ſaith* Felinus, ad cap. quæ in Eccleſiarum Num. 44. extra de conſtitutionib. reſpectu beneficiorum latiſſima ſit poteſtas Papæ, tamen reſpectu bonorum ipſarum Eccleſiarum ſecus. Unde non poteſt auferre bona unius Eccleſiæ, & dare alteri, ſine cauſa, ut notat Gloſſa. *Vide Archid. & Dominic. in can.* 1. *diſt.* 10.

univerſal

univerſal Church within the ſame Limitations, to avoid falling into an Abſurdity of ſo much conſequence, That the Church hath err'd in ſo important a Matter, while the Court of *Rome* hath acted uprightly.

Navarr adds farther, That in the *Clementine*, where the free Diſpoſal of Benefices is ſaid to belong to the Pope (7), is not meant by the Word *free* a Diſpoſal abſolute, and without Permiſſion or Conſent of any Perſon whatſoever; but only a Diſpoſal without prejudice to any body elſe. Now if we ſhould admit a Conſtruction that appears ſo reaſonable, it would make ſtrongly againſt Reſervations, ſeeing they are prejudicial to the Biſhops. The Popes could no longer give Benefices to Strangers, ſeeing that would be prejudicial to the Natives of the Place, in favour of whom the Requeſts had been made: And it favours as little any Pretenſions to a Power of altering Teſtamentary Diſpoſitions, by being ſo injurious to the Memory of the Dead.

I know very well there are others who are ready to admit all this to be true, provided there be no lawful Cauſe to the contrary. But the Queſtion is, Who is to be Judge of the Reaſonableneſs of the Cauſe? For if he, whoſe Authority it is deſign'd to reſtrain be the only Judge, it is the ſame thing to give him the abſolute Power, as to limit it by any Condition, if the Law is not ſuperior.

What *Navarr* farther adds is very remarkable, That in our Age, the Opinion of the Lawyers, who enlarge ſo much on the Power of the Pope in Beneficiary Matters, is extreamly countenanc'd, becauſe it gratifies the Avarice and Ambition of thoſe

(7) Ad quem Eccleſiarum dignitatum aliorumque beneficiorum Eccleſiaſticorum plena & libera diſpoſitio neſcitur pertinere. *Clement. lib.* 1. *tit.* 5. *cap.* 1.

who

who are in purſuit of many Benefices, and that he had heard a Divine and a Canoniſt, both famous in their Profeſſion, publickly declare, that they would make no ſcruple to accept all the Benefices in the Kingdom, if the Pope would ſo beſtow them (8): But that on the contrary, *Pius* V. in diſcourſe one day told him, that the Lawyers ordinarily attributed more Authority to the Pope than belong'd to him. To which *Navarr* anſwer'd, that there were ſome alſo, who would take a great deal from him of what belong'd to him; and therefore a middle Courſe was to be taken, in accommodating equitably betwixt Divine and Human Laws: Not following herein the Example of the modern Lawyers, who carry the Authority of Human Laws ſo high, that they decide in their Favour againſt the Divine (9).

However, tho' the Reſpect due to the Pope will not ſuffer me to conteſt an Opinion, which gives

(8) They are yet more ſcrupulous than an Abbot, whom I heard ſay, That he would make no ſcruple to hold 3000 Abbeys or Priories, if the King would give them him: A Declaration worthy of a Man, who is neither of the Religion he profeſſeth, nor of that which he quitted, in order to get Benefices: And who enjoyeth one at this time, among others, which he won of the Collator, at a Party at Picket.

(9) The Canoniſts are not contented to give the Pope an abſolute Power over all Men, but have extended it even to the Angels. *Vide Felin.* upon the Chapter *Canonum Statuta. Num.* 6. *extra de conſtitut.* and *Decius* upon the ſame Chapter, *lect. 2. num.* 21. where he lays down for a Rule, That the Pope alone hath more Authority than all the Angels put together; *Major eſt*, ſaith he, *authoritas Papæ, quam Sanctorum.*

To ſee on what Foundation the Pope's Pretenſion is founded, of his being Maſter and Lord of the whole Earth, there needs only to read the Commentary of *Innocent* IV. upon the *Chap.* 8. *extra de voto, & voti Redempt.* But this Pretenſion is well refuted by *Fernand Kaſquez, lib.* 1. *Controverſ. illuſtr. cap.* 21. and by *Grotius in Chap.* 3. of his *Mare Liberum.*

him

him so much Power, yet I cannot comprehend, how it can be made to consist either with Divinity or Reason. I will therefore only propound some Difficulties, which are commonly started by those, who have writ on this Subject; the Resolution of which, would put the Matter in a very clear Light.

CHAP. LII.

QUESTION I.

THE first Question is, If the Pope hath so large an Authority, who hath given it him? It is plain not JESUS CHRIST, seeing the Authority derived from him, extends only to spiritual Things; that is to say, to bind and loose, to remit or retain Sins (*a*). As for Ecclesiastical Goods, we have already proved, that they are possess'd by Human, and not by Divine Right *. The Pope therefore hath receiv'd no such Power from GOD. And it is plain he hath receiv'd none from Princes, Testators, and Canons of the Church; because all these have committed the Administration of the Goods and Benefices of every Church to the Ec-

(*a*) Tibi dabo, *saith* Jesus Christ *to St.* Peter, Claves regni cœlorum. Et quodcunque ligaveris super terram, erit ligatum & in cœlis, *Mat.* 16, & 18. Quorum remiseritis peccata, remittuntur eis, & quorum *(my Kingdom is not temporal)* retinueritis, retenta, *Joan.* 20. By the Keys of the Kingdom of Heaven, Jesus Christ giveth St. *Peter* to understand, that he gives only a spiritual Jurisdiction, seeing his Kingdom is purely spiritual. *Regnum meum non est de hoc mundo.*

* Article 20. Quest. 1.

clesiasticks

cleſiaſticks of the Place, and under ſuch expreſs Conditions as cannot be alter'd. Seeing therefore no other Patrons or Owners can be found but theſe, and that there is no other Right but what flows from them; it remaineth to inquire by what other Channel this Authority could be convey'd to the Pope.

QUESTION II.

To this Queſtion may be added another as material; which is, that if he hath this Authority, whence comes it, that his Predeceſſors for more than 1000 Years have never exercis'd it? And that neither Councils, Fathers, Canons, nor ancient Hiſtories have ever mention'd it? They cannot aſcribe it to the different Circumſtances of Times in the Church, as requiring it more now, than in ſo many Ages paſt: For from the Year 800, until 1100, the Confuſions and Corruptions were ſo great, that ours are comparatively inconſiderable: Yet no Pope then ever concern'd himſelf in the Management of the Eſtates of other Churches, as much as they wanted Regulation: And even after the Popes had begun that Practice in ſome meaſure, none of them ever pretended to ſo abſolute a Power and Direction, before *Clement* IV. Nor even did that Pope venture to lay a direct claim to ſuch a Power, touching it only in paſſing, and without the Appearance of any Deſign in mentioning it*. A way of ſpeaking which ſeldom uſeth to be convincing, ſeeing things that are occaſionally mention'd, and as it were by accident, are commonly

* See *Chap.* 35. and the Decretal of Pope *Clement*, in the Notes.

expreſs'd

expreſs'd in another Manner, than if they were direct Propoſitions to be examin'd and diſcuſs'd.

Nor can any good Effect it has produc'd be urg'd in defence of this Authority, which hath open'd ſo wide a Door to all the Abuſes. From this Quarter have come Penſions, *Commendams*, Regreſſes, Unions, Reſignations, Expectatives, Reſervations, Annates, *Quindenniums*, and other Devices, which have broke in upon us, and which none pretends to approve, or excuſe, otherwiſe than by the general Corruptions of the Times.

QUESTION III.

There remains a third Difficulty upon this Point, no leſs conſiderable, which is, That ever ſince the Popes firſt began to exerciſe this abſolute Power, the Chriſtian Princes have conſtantly complain'd, and made Oppoſition, as we have above related, which hath obliged the Popes to reſtrain the Exerciſe of it.

But it hath not been ſuch a Reſtriction, as hath amounted to a voluntary Ceſſation of that Authority, but rather a ſort of Contract or Compromiſe, uſual in the Caſe of doubtful Rights, whereby it is ſtipulated and declared with Princes, how far their Pretenſions ſhall extend, which cannot be carried to the prejudice of the Popes their Succeſſors, if the Authority of the Pontificate were not before reſtrain'd within any Bounds. *Leo.* X. when he took away the Pragmatick, eſtabliſh'd the Concordat, and ſo he ſtiles it in the Bull. Now, whoever hath a full and abſolute Authority, cannot be ſaid

to

to make any Agreement (1), but treats as a Superior with his Subjects, and by way of Conceſſions: And I lay not this ſtreſs alone upon the word Concordat, but the ſame Argument holds in all the like Caſes. Not only *Leo* ſtiles it in his Bull *Concor-cordia (b)*, but farther explains himſelf in theſe Terms; *Illam veri contractus & obligationis inter nos & ſedem Apoſtolicam ex una, & Franciſcum Regem ex altera partibus legitime uniti.*

If any one require here a farther Explanation, it is very obvious, the Holy See is at difference with the Kingdom of *France:* The Popes claim an abſolute Power over all Benefices, reſerving to themſelves the Diſpoſal of them, *&c.* *France* on the contrary maintains, That ſuch an Authority belongs to its own Biſhops: To put an end to this Difference, they come to a Declaration of their Rights, that ſets bounds to their Pretenſions on both ſides. How then can theſe Pretenſions be ſaid to have any fix'd, indiſputable and natural Right?

If there be any better Anſwer or Solution to be made to theſe Difficulties, I profeſs my own Inability to find it, and muſt refer my ſelf to the Judgments of the Learned. I can only ſay, That if the Practice of the Church for more than 1000 Years had been yet preſerv'd, which was, That the Eſtates of every Dioceſs were managed by its own proper Miniſters, all theſe Grievances had been prevented, and the Revenues had doubtleſs been

(1) This is perhaps one of the Reaſons, why *Leo* would not ſuffer the Council of *Lateran* to call it the Concordat in the Decree, where it ſpeaks of the Suppreſſion of the Pragmatick, tho' the one hath as much relation to the other, as the *Achat* is to the *Vente*.

(b) Concordiam cum Franciſco inviolabiter obſervari deſideramus.

more

more uſefully and faithfully applied than they are at this day, if we were capable of profiting by any Examples.

QUESTION IV.

Having in the three firſt Queſtions treated of the immoveable Eſtates of the Church, we come now to the fourth, which concerns the Fruits or Revenues ariſing from thoſe Eſtates.

All the Fathers who have writ before the Diviſion was made of the Goods of the Church into four Parts, have all agreed, that they belong'd to the Poor; and that the Eccleſiaſtick Miniſter had no other Right in them, but to manage, direct, and diſpenſe according to thoſe Neceſſities; treating as Robbers, and ſacrilegious Perſons, thoſe Miniſters, who applied thoſe Eſtates to any other Purpoſes than the Deſign of their Inſtitution. Yet all the Eccleſiaſticks had not the Management of the Church Eſtates, tho' they were maintain'd out of them, as well as the Widows, the Poor, and other miſerable Objects: But this Care, after the Example left by the Apoſtles, was committed to the Deacons, Sub-deacons, and other Oeconomiſts (1), who gave account

(1) The Church being become rich in Poſſeſſions, and the Deacons and Biſhops diſtracted with the Care of them, the Council of *Calcedon* order'd that the Biſhops ſhould appoint a Steward to look after the Revenues of the Churches.

Quoniam, *ſaith the Council, Can.* 26. in nonnullis Eccleſiis Epiſcopi abſque Oeconomis tractant res Eccleſiaſticas, placuit omnem Eccleſiam Epiſcopum habentem ex proprio Clero Oeconomum quoque habere, qui ex Epiſcopi ſui ſententia res Eccleſiaſticas

Account to the Biſhop *, and in ſome Places to the Preſbytery (2).

After that Benefices were inſtituted, it ſeems probable that the Biſhop, Prieſts, and other Clergy diſpos'd as freely of the Revenues of their Benefices as of their own Eſtates, and as of the Share which properly belong'd to them. Yet all Writers ſeem to agree, that the Prieſt ought not to take any more of the Revenue of his Benefice, than what was ſtrictly neceſſary, and that he is obliged to employ the reſt in Works of Charity; and certainly with great reaſon, for the Diviſion which was made of the Revenues could not change their Nature: For if an Eſtate which hath a Duty or Charge annex'd to it, comes to be divided, both the Parts are ſubject to the ſame Obligation.

Among thoſe Fathers who have writ ſince the Diviſion, St. *Gregory* who liv'd ſomething more than 100 Years after, and St. *Bernard* who liv'd about 800 Years after him, inveigh loudly againſt thoſe who make an ill Uſe of the Revenues of Benefices, as Uſurpers of the Publick Goods, and

cleſiaſticas diſpenſet, ut nec ſine teſtibus ſit Eccleſiæ adminiſtratio, atque adeo res ejus diſſipentur, & probrum ac dedecus ſacerdotio inuratur: Si autem hoc non fecerit eum divinis etiam Canonibus ſubjici. *Vide Can.* 11. *Concil. Nicæni* 2.

The Stewards were call'd *Vice-Domini*, as may be ſeen by the Canons *Volumus* 2. & *Diamonum* 3. *diſt.* 89. which are taken from St. *Gregory*. The *Vice-Domini* of the Biſhops, ſaith the *Perroniana*, were certain Lords, who were Vicars of the Biſhops in their Temporallties, but Lords of the Soil.

* Vide Nomocan. Photii, tit. 10. cap. 1. & ibi Balzamon.

(2) They ſo call'd the College of Prieſts and Deacons. All Affairs were laid before this College, who examin'd, and reported them to the General Aſſembly of the faithful.

Murderers of the Poor, whom they ought to feed (*a*).

This hath been the Language of all the Doctors and Writers on this Subject, until the Year 1250, when they began to refine upon it with more Subtlety: And as what the ancient Writers affirm'd was admitted, That every Clergyman ſinned, who employ'd the Overplus of what was neceſſary for him, to ill Purpoſes, the Queſtion was now ſtated, Whether thoſe Beneficiaries, who did not employ the Overplus to the Uſes he ought, did not offend more than he who ſpends his own Eſtate to ill Purpoſes? Or, Whether they be not oblig'd to Reſtitution, as much as if they had ſpent another Man's Eſtate?

If they really be the Proprietors of the Fruits of their Benefices, or, to ſpeak in the Terms of the Civilians, *Uſufructuarii*, they ſin indeed in adminiſtring them ill; but they do injury to none, and conſequently are bound to no Reſtitution, ſince they have made an ill uſe of nothing but their own. But if they are only the Diſpenſers, with a power of employing ſo much only to their own Uſe, as is neceſſary for them, and no more, which the Law calls *Uſuarii* (*b*), they are obliged to make Reſtitu-

(*a*) Cum nos, *ſaith St.* Gregory, lib. 3. *of his Paſtoral,* Admonit. 22. neceſſaria indigentibus miniſtramus, ſua illis reddimus, juſtitiæque potius debitum quam miſericordiæ opus implemus.

And to the ſame Purpoſe ſaith *Peter Cantor,* That the Charities given by Beneficiaries are not properly given to the Poor, but to Jeſus Chriſt, whoſe Patrimony they have the Care of, as Diſpenſers and Executors of his Will; which if they do not faithfully perform, they are no better than ſo many Robbers

(*b*) Cum uſuarii tantum, non uſufructuarii, ſint, omnes Eccleſiæ proventus ſolo nudo uſu excepto pauperibus, qui Eccleſiæ bonorum vero domini ſunt dare vel potius reddere tenentur. *The Preſident* du Ferrier *in one of his Harangues to the Council of* Trent.

tion

tion to the Value of what they had diſſipated: And which is more, whoever receives any Gift by the Will or Donation of ſuch as have no Right to give, he alſo is oblig'd to make Reſtitution.

A real Scruple of Conſcience firſt gave riſe to theſe Doubts, which after having been canvas'd for 350 Years (3), remain undecided at this day, with en equal Number of Authors on both ſides to ſupport it: And it hath been lately reviv'd with much Heat and Wrangling betwixt *Martin Navarr*, a celebrated Canoniſt and Caſuiſt, and *Francis Sarmiento* *: *Navarr* maintaining, that Beneficiaries are not the Proprietors, but meerly the Diſpenſers of thoſe Revenues; ſo that they who ſin, are obliged to make Reſtitution.

Cardinal *Cajetan* holds a middle Opinion, ſaying, That Beneficiaries who have no more than what is ſtrictly their own, or but a little exceeding, are truly Proprietors of their Benefices, becauſe they hold no more than what is the Share that is due to them: But this cannot be ſaid of the rich Biſhops and Abbots, whoſe Revenues conſiſting both of the Church's (4) Share and the Poor's, oblige the Beneficiaries in Juſtice to beſtow largely in Alms, and other pious Works, under pain of Reſtitution, both in thoſe who lay it out otherwiſe, and in thoſe who

(3) To reckon from the Year 1250, when, he ſaith, this Queſtion began to be ſet on foot; which points at the time when *Fra. Paolo* wrote this Treatiſe, *viz.* in the Beginning of this Age.

* In his Treatiſe *de Reddititibus Eccleſiaſticis*; the Arguments of *Navarr* and *Sarmiento* are related by *Garcias*, in his Treatiſe *de Beneficiis, part.* 2. *cap.* 1.

(4) That is to ſay, of what belongs to the Fabrick, which they are entruſted to look after.

receive it (*c*). Nay, he carries it ſo far, as to ſay, That whoever receiveth from the Pope any Preferments, or Eſtates belonging to the Church, in or-

(*c*) Redditus Epiſcopales aut ſunt tenues, ita quod ſufficiant pro ſubſidio Epiſcopi ; aut ſunt mediocres, ita quod ſufficiant, & parum abundant ; aut ſunt abundantes notabiliter ſupra id quod neceſſarium eſt ad ſuſtentationem Epiſcopi. Et ſi primo aut ſecundo modo ſe habent, cum conſtet, quod principaliter ordinantur ad Epiſcopi ſuſtentationem, idem videtur de reditibus iſtis judicium, quod de præbendis Clericorum [*obſerve that he hath ſaid a little before, that the Revenue of the Biſhop is as it were his Prebend*, Conſtat autem quod reditus Epiſcopi eſt ſicut præbenda illius] ita quod quia quod parum ſuperabundat, pro nihilo a jure computatur, propterea non obligantur tales Epiſcopi ad hujuſmodi diſtributionem (ſcilicet in pauperes, & fabricam) ſi autem redditus ſunt pingues & abundantes, ita ut ſapientis animo cadere non poſſit, quod ſint Epiſcopo aſſignati pro ejus ſuſtentatione, tunc tenetur Epiſcopus duas quartas ad minus diſtribuere in pauperes, & eccleſiæ fabricam, ſeu ſupellectilem, & cetera. Et ratio eſt, quia ex hoc, quod clerici habent ſecorſum ſuam portionem, non eſt ſubtracta a jure pauperibus portio illis debita ex jure ; & ſimiliter non eſt fabricæ ſubtracta a jure portio illi ex jure debita ; ſed bona Epiſcopalia remanent affecta tali juris diſpoſitione antiqua & ſancta, ita quod quemadmodum, quando erant communia Eccleſiaſtica bona his quatuor ſcilicet Epiſcopo, Clero, Pauperibus, & Fabricæ commiſſa erant Epiſcopo cum vinculo, & debito talis diſtributionis, ita excluſo uno membro, ſcilicet Clero tali communitate, quia jam habet proprias præbendas loco ſuæ portionis, remanent bona Epiſcopalia communia reliquis tribus, ita quod pauperibus remaneat debita quarta portio. *Com. 2dæ. 2dæ. quæſt.* 185 *art.* 7. *in reſp. ad quæſt.* 1.

Si autem, *ſaith he, in the Anſwer to the ſecond Queſtion*, redditus Epiſcopi tantus eſt, ut rationabiliter appareat quod non quaſi præbenda ſibi reſpondeat, ſed quia pater eſt pauperum, igitur tanta bona ſuæ ſunt fidei commiſſa ut diſtribuenda——— ita quod Epiſcopus talis male diſpenſans, & illi ad quos perveniunt, tenentur ad reſtitutionem omnium illorum, quæ pauperibus vel eccleſiæ debentur. Rationabile autem videtur, quod ſi abundantes redditus ex eccleſiaſticis decimis, aut poſſeſſionibus conſtant, commiſſa ſint Epiſcopis, ut patribus pauperum Epiſcopo creditæ ſunt. Ideo enim Epiſcopis datæ ſunt, quia occulta fide perſpiciebatur eos eſſe partes pauperum.

der

der to enrich and aggrandize himself in the World, are also obliged to make Restitution: All Donations of the Goods of the Church, which have not a Motive of Piety or Charity, being no lawful Distribution, but an Injustice and a Dissipation (*d*).

Without refining and subtilizing too much on this Subject, all the Difficulties that can arise upon it, methinks may easily be resolv'd. And first, as to the Revenues which are founded upon Wills, or some other original Right or Institution, and dedicated to some pious Use, for any Man to convert them to his own, or to any other secular Use, is, in my Opinion, an Abuse; which may plainly be call'd an Invasion of another Man's Property.

And if a Beneficiary should fail in performing any Trust in the Manner committed to him, either in misapplying the Revenues to himself or others, I connot comprehend how he would be able, under any Bull of the Popes, or any other Pretence, to justify himself, unless he could prove himself not to be exactly in the same Situation with an Executor, who takes to his own Use what the Testator left

(*d*) Nec putes, *saith he*, propterea quod Papa habet plenitudinem potestatis ecclesiasticæ, ob hoc possit de bonis Ecclesiæ disponere; quoniam plenitudo potestatis Ecclesiasticæ intelligitur in spiritualibus tantum —— Unde ita tenentur ad restitutionem, qui a Papa bona Ecclesiæ pro libito Papæ habuerunt, ut ditentur, exaltentur, & magnificentur. (This gives a deep Wound to the *Nepotism*, and condemus the Doctrine of the Canonists, who held, that the Pope can give Benefices *ad Nutum*, and that in this Case his Will stands in place of Reason.) *He concludes*, omnis namque donatio ecclesiasticæ rei, pietate, vel necessitate, vacua, non distributio, sed dissipatio est. *Comment. 2dæ. 2dæ. ad artic. 8. quæst. 43. 12. q. 2. Archid. post Hugonem in Canon liceat Papæ, saith, that* Papa peccat mortaliter, si vult res ecclesiasticas consumere in turpes usus, vel dare consanguineis, ut eos divites præ aliis faciat, vel ut ipsi construant palatia.

to others: And this is a Truth, which ſeems to carry ſuch a Self-Conviction along with it, as I perſuade my ſelf no Man can doubt, who is not willing to cheat himſelf.

On the other ſide, common Juſtice requireth, that he whoſe Work it is, ſhould pay the Workmen their Wages; and it cannot be denied, but that the Choriſters, the Organiſt, and other Officers of the Churches, are Judges of the Prices of their own Service.

Neither is there any thing unreaſonable in ſaying, That the Prieſts, and the other Clergy ought to be paid their Salaries for the Services they perform in the Church; and that they have the only Right to ſuch Revenues. And when a Benefice is inſtituted upon Conditions, which ſubject to ſuch and ſuch particular Services, ſuch as are many Canonries, Prebendaries, Theologales, Manſionaries (*e*), and other Benefices of that kind, there is no Abſurdity in ſaying, that theſe are the Conſiderations for ſuch Services.

The Inſtitution of Benefices is ſo ancient, that the Memory of their Original is loſt, as well as whether they were held at firſt by the Tenures of any Services to the Church. But this a Man of ſcrupulous Conſcience can no longer doubt, when he compares the Revenues with the Service he rendereth to the Church; in putting one of theſe in the Scales againſt the other, he will eaſily be convinced that the Benefice is the Salary for his Service.

(*e*) Manſionarius, *ſaith* Onuphrius *in his Explanation of Eccleſiaſtical Names*, dictus eſt Cuſtos, & Conſervator ædium eccleſiaſticarum. templorum, & altarium. Item familiaris, & domeſticus a manſione. Hodie in multis Eccleſiis extant, curamque pſalmodiæ & altarium habent. *Thus the* Sacriſtary *comes neareſt to the* Manſionary.

But

But where the Revenues much exceed the Portion that is neceſſary for the Incumbent, who can be ſo weak to believe, that Revenues of that ſize were ever intended to be left him to diſpoſe as he pleaſed, and not to know, that there is a Duty or Charge annex'd to the Benefice in its very Inſtitution, conſidering the little Probability that ſo large Revenues ſhould be deſign'd for one Man? (*f*)

Theſe controverted Points among the Caſuiſts, ſo full of Difficulties when they are propoſed in generals, are eaſy to reſolve when they come to particular Caſes: And, Conſcience rightly conſulted, and in Perſons who have not ſtifled it with a wilful Ignorance (5), will eaſily clear theſe Doubts (*g*). For GOD leaves not the Mind of thoſe to wander under any Uncertainties of Importance, who tread in the Paths deſcrib'd in his Commandments (*h*).

(*f*) Iniqua, *ſaith* Cajetan, eſſet lex decimarum in novo Teſtamento, ſi ultra honorabile ſtipendium miniſtrorum Dei, tanta rerum affluentia uni deputaretur, cum damno totius populi, niſi ut patri pauperum. *Comment.* 2*dæ.* 2*dæ. artic.* 7. *quæſt.* 185. *in reſp. ad quæſt.* 2.

(5) Veritatem Dei in injuſtitia detinent, *Rom.* 1.

(*g*) Intellectus bonus omnibus facientibus eum, *Pſal.* 110.

(*h*) Deus enim illis manifeſtavit, *Rom.* 1.

CHAP. LIII.

AS for any new Acquiſitions, every thinking Man, I believe, is ſenſible that they draw towards an End; or at leaſt, that they are like to encreaſe but by very ſlow degrees. The Clergy, the Monks, and Military Orders have loſt their Friends. The Mendicants, who have reap'd ſo little advantage hitherto from the Permiſſion granted to them by the Council of *Trent* to acquire Eſtates, have no Proſpect of much more from it for the future: In places indeed where they have already acquired any thing, and have not loſt their Intereſt, they have moſt reaſon to hope for more Advantages, tho' with no Probability of happening in any conſiderable Degree.

The others, who would not be comprehended in this Privilege, I mean the Capuchines, preſerve their Reputation becauſe of their Poverty: And if they ſhould ſuffer the leaſt Change in their Inſtitution, they would acquire no immoveable Eſtates by it, but would loſe the Alms they now receive.

It ſeems therefore as if here an abſolute Period were put to all future Acquiſitions and Improvements, and that no more Advances could be made in this gainful Trade: For whoever would go about to inſtitute a new Order, with a Power of acquiring Eſtates, this Order would certainly find no credit in the World: And if a Profeſſion of Poverty were Part of the Inſtitution, while that laſted, there could be no acquiring, nor Credit if they broke it.

Yet

Yet our Age can boaſt of a Production truly ſingular and original, and inferior to nothing of this kind, which hath appear'd in any Age. This is the Inſtitution of the Jeſuits, who by a Mixture of Poverty and Abundance, conciliate to themſelves the Eſteem and Affection of the World; rejecting with one hand, what they receive and poſſeſs, as a Company and Society, with the other. For tho' their profeſs'd Houſes (1) are not capable, by their Inſtitution, of poſſeſſing immoveable Eſtates, yet their Colleges are capable of acquiring and poſſeſſing (2).

They ſay, and certainly with reaſon, that no Government ſimple and unmix'd is perfect, but that Mixtures are found to have their Conveniences, on all Occaſions: That the State of Evangelick Poverty embrac'd by the Mendicants hath this Defect, that it is only adapted to ſuch as are already well advanced in the Way to Godlineſs, whoſe Number therefore cannot be very great. But for their parts, their Deſigns in receiving Youth into their Colleges is, to inſtruct, and by an Acquiſition of all Virtues, to fit it for a Life of Evangelick Poverty; ſo that Poverty is indeed their Deſign and eſſential End, but they grow rich by Accident.

But the Facts we ſee, are yet a ſtronger Degree of Evidence, than the Words we hear. They write themſelves, that they have at preſent 21 profeſs'd Houſes, and 293 Colleges: From this Diſproportion every Man may conclude which is the eſſential Part of their Inſtitution, and which their accidental. Upon the whole, it is not to be denied, that

(1) In which the Society eſſentially conſiſts, as the General *Lainez* ſaid to the Council.

(2) As being founded to the end to entertain great Numbers of Students.

they

they have acquir'd vaſt Riches, and that they are in the high Road to encreaſe them (3).

As all the Temporalities which the Church enjoyeth aroſe from Alms and Oblations, ſo in the Old Teſtament the Fabrick of the Sanctuary was ſupported the ſame way (*a*). But when the Inſpectors of this Work ſaw the People continue their Oblations, tho' all was given already that was needful, they ſaid to *Moſes*, *The People give more than is needful*; and *Moſes* ſtraight publiſh'd an Order, That no more ſhould be offer'd for the uſe of the Sanctuary, becauſe more than ſufficient had been offer'd already (*b*). By which it is manifeſt, That GOD would have nothing ſuperfluous and ſuperabounding in his Temple. And if it were his declared Pleaſure in the Old Teſtament, which regarded only the Things of this World, that all the Goods of the Church ſhould not go to her Miniſters, it is leſs declared in the New.

(3) We may obſerve here, that *Fra. Paolo* had a true Hatred for the Jeſuits, as a good *Venetian* and Republican; for their Inſtitution, which is wholly Monarchical, ſeems incompatible with the Maxims of the *Venetian* Ariſtocracy. And it was one of the ſtrongeſt Reaſons which the Doge *Leonard Donato* urged to the Cardinal *de Joyeuſe*, who ſollicited their Re-eſtabliſhment with great Warmth, (*an.* 1607.)

To which add, that this Society hath more Wit and Penetration than a Government deſireth, that is ſo apt to take Umbrage, and where for Reaſons of State, the Prieſts, Monks, and the People are overrun with Libertinage and Ignorance.

(*a*) Obtulerunt mente promptiſſima atque devota primitias Domino ad faciendum opus tabernaculi teſtimonii; quicquid ad cultum neceſſarium erat, viri cum muliebribus præbuerunt. *Exod.* 35.

(*b*) Quotidie manè vota populus offerebat: unde Artifices, venire compulſi dixerunt Moyſi, plus offert populus quam neceſſarium eſt: Juſſit ergo Moyſes præconis voce cantari: Nec vir nec mulier quicquam offerat ultra in opere ſanctuarii —— eo quod oblata ſufficerent, & ſuperabundarent. *Exod.* 36.

But

But where will their Acquiſitions end? or what Bounds will be ſet to them? Who among them will ſay, *The People have given enough?* The Miniſters of the Temple, who made up the 13th Part of the People, were not capable of receiving or enjoying any more than the Tenths (*c*): Ours, who are ſcarce the hundredth Part of the People, poſſeſs at this time perhaps more than the Fourth.

Is it impoſſible there could be any Inconvenience in Churchmen's acquiring *ad infinitum*, and if all the reſt of the World were reduced to hold every thing by Farm? Among Chriſtians, human Laws have no where ſet bounds to any Man's Eſtate, becauſe he who encreaſeth it to-day, may alienate to-morrow. But there is in this Caſe a Circumſtance perhaps without Example, That an Order of Men perpetual, and which never dies, ſhould be always capable of acquiring, and never of alienating (4). In the Old Teſtament the Tenths were given to the *Levites*, becauſe it was the LORD's part (*d*),

(*c*) Nil aliud poſſidebant, decimarum oblatione contenti, *Num.* 18. Oblationes Iſrael comedent, & nil aliud accipient de poſſeſſione fratrum ſuorum, *Deut.* 18.

(4) The Clergy being a Body which never dies, which daily receiveth Increaſe by new Donations, and can part with nothing again, a Writer of good Repute illuſtrates the Matter with ſaying, That as the Thigh and Arms grow lean when the Belly grows too big, ſo fares it with a Republick, whoſe Nobility and People, being the Legs and Arms, grow lean, and pine in proportion as the Clergy encreaſe. *Reflections ſur le Traite de la Politique de France.*

(*d*) Accipies, *ſaith God to* Aaron, de his quæ ſanctificantur & oblata ſunt Domino —— omnis oblatio, & quicquid redditur mihi, & cedit in ſancta ſanctorum, tuum erit, & filiorum tuorum. *And ſome Lines after*, Omnes primitias ſanctuarii, quas offerunt filii Iſrael Domino, tibi dedi & filiis tuis jure perpetuo. *Num.* 18.

and

and therefore they were forbid to take any more (*e*): A Rule which they, who enjoy the Privileges of the *Levites*, ought to obſerve, in taking upon them all the Conditions requir'd of them, and not only ſuch as turn to their particular Advantage (5).

(*e*) In terra eorum nihil poſſidebitis, nec habebitis partem inter eos. *And God gives the Reaſon to* Aaron; Ego pars, & hæreditas tua. *Becauſe, ſaith he, I am my ſelf thy Part and thy Inheritance.* Ibid.

Non habebunt Levitæ partem & hæreditatem cum reliquo Iſrael. —— Dominus enim ipſe eſt hæreditas eorum, *Deut.* 18.

(5) The Senſe of the Author is, that if the Eccleſiaſticks will urge the Example of the *Levites*, who receiv'd the Tenths of the People of *Iſrael*, they ought like them alſo to renounce every thing elſe, and conſequently all ſort of Acquiſitions: It not being reaſonable to enjoy a Privilege without obſerving the Conditions impoſed by him who granted it.

CHAP. LIV.

HAving given a large Account how the Church hath acquired her Poſſeſſions, and how they have been employ'd; it remains that we examine what became of the Fruits and Revenues which happen'd to be remaining and undiſpos'd at the Deaths of the Beneficiaries; how they were diſpos'd, and whether the dying Perſon might diſpoſe by Will; or if inteſtate, to whom theſe Profits accrued.

While the Goods of the Church were in common, and under one general Adminiſtration, it is certain that all that was found in the hands of the Miniſter, remain'd incorporated in the common Stock, and was manag'd in the ſame Method by his Succeſſor.

But

But when the Benefices were inſtituted, it was order'd at the ſame time by the Canons, That whatever Eſtate the Beneficiary ſhould leave at his Death, ſhould go to the Church: By the Church, if it were Collegiate, and had a common Table, was underſtood the whole Body of the Clergy: But if the Beneficiary had no Collegues or Brother-Profeſſors, then by the Name of the Church the Succeſſor was intended, who was oblig'd to adminiſter theſe remaining Fruits in the ſame Methods as his Predeceſſor had been: And this Uſage continued until the Year 1300.

But as it often happen'd, that Beneficiaries had other Eſtates, to which they were either born, or which they had required by their own Induſtry; it was ſaid, that they might diſpoſe of theſe as abſolute Proprietors by Will; but not of the Profits of the Benefice, in caſe of Death (*a*). Whence it came, that the Clergy who had ſmall Benefices, and where the Revenue exceeded not the neceſſary Expence, diſpoſed by Will all their own Eſtate, and alſo what they had ſaved by their own Parcimony out of their Benefices, reckoning this as an acquired Eſtate. And there is a Cuſtom, which is the Conſequence of this, obſerv'd ſince in many Chriſtian Kingdoms, that the ſmall Beneficiaries have a Power of diſpoſing by Will, even the Fruits of their Benefices; and that where there was no Will, the next Friends inherit to the Profits, as in the

(*a*) Epiſcopi de rebus propriis vel acquiſitis, vel quicquid de proprio habent, hæredibus ſuis, ſi voluerint, derelinquant; quicquid vero de proviſione ſuæ eccleſiæ fuerit, ſive de agris, ſive de fructibus, ſive de oblationibus omnia in jure Eccleſiæ reſervare cenſuimus. *Can.* 19. 12. *q.* 1. *an.* 572. *vide Can.* 20. *Cauſa & q. cit. & cap.* 1. *extra de Teſtam. Balzamon. & Zonaram ad Can.* 22. *Conc. Chalcedon.*

Caſe

Caſe of an Inteſtate, and as if it were their own Patrimony.

But whatever the Biſhops left at their Deaths, belong'd to the Church (1) by the ancient Canons. Yet after this, in ſome Countries the Biſhops obtain'd a Right of paſſing by Will the Eccleſiaſtical Fruits: Inſomuch that about the Year 1300, there were three different Cuſtoms in force in different Countries. The *firſt*, where no Clergyman could diſpoſe of the Fruits remaining of his Benefice: The *ſecond*, where theſe Fruits were under the ſame Laws and Direction as their own Patrimonies: The *third*, where the inferiour Clergy could diſpoſe, but not the Biſhops; to which laſt whatever was due went to the Church.

In ſucceeding Times, when the Occaſions for Money grew more frequent and urgent, the Popes ſent their Officers into all thoſe Kingdoms where the Church had a Cuſtom of inheriting to the Goods of deceas'd Beneficiaries, to apply them all to the Apoſtolick Chamber, before a Succeſſor was appointed; which was eaſily put in execution, no Man being concern'd in Intereſt to oppoſe it, during a Vacancy, and the Succeſſor ſatisfying himſelf, as with a thing done before his Time.

(1) Or rather to the Succeſſor: For the Can. 22. of the Council of *Chalcedon*, forbids the Clergy to take poſſeſſion of the Goods of the deceas'd Biſhop. By the Can. *non liceat* 12. *q.* 2. The Metropolitan himſelf cannot diſpoſe of any.

Non liceat alicui Metropolitano mortuo Epiſcopo, qui ſub eo eſt, aut res ejus, aut Eccleſiæ ſuæ ferre; ſed ſint ſub cuſtodia Cleri Eccleſiæ defuncti Epiſcopi, uſque dum alius ordinetur Epiſcopus. Si vero Clerici in Eccleſia non fuerint, tunc Metropolitanus illibata omnia Epiſcopo, qui ibi ordinabitur, reddat. *See* Balzamon *and* Zonarus *upon theſe two Canons, and Can.* 48. *Cauſ.* 12. *q.* 2.

They

They then began to appoint ſuch Miniſters throughout all Places where they had Authority, who were call'd Collectors; and the Eſtates which the Beneficiaries died poſſeſs'd of, had the Name of *Spolia* given them.

Tho' theſe Seizures were made with as little Noiſe as was poſſible, yet there being no Law or Ordinance to juſtify them, they could never be put in execution without ſome Murmurs of the Heirs of the Deceas'd, as well as of others; for which the rigorous Exactions of the Collectors and Sub-collectors gave occaſion; who, under the Title of *Spolia*, laid their hands on the very Ornaments of the Church, and ſet up the moſt vexatious Inquiſitions into Titles, declaring which Eſtate was acquired by the Induſtry of the Deceas'd, and which was Patrimonial; ſtraining every Point, and improving every Doubt, that might tend to prove, that every thing they found was the Fruits of Benefices. And when at any time any Queſtion remain'd concerning the Nature and Quality of theſe Goods, the Apoſtolick Chamber, to which it was referr'd, ſtood ready with Cenſures and Excommunications to diſcharge upon thoſe who made reſiſtance.

In *France* the Cuſtom hath obtain'd, that the *Spolia* of the Biſhops and Abbots ſhould go to the Popes: But in the Year 1385, *Charles* VI. made an Ordinance, that their Heirs ſhould ſucceed to the *Spolia*, as well as to the Patrimonial Eſtates (2).

Yet

(2) This Ordinance is to be ſeen at length, *part* 3. *Stil. Parlam. tit.* 27. But becauſe of its great Length, it will be ſufficient to extract only ſo much as relates to the inſupportable Extortions and Vexations mentioned by Father *Paul.*

Quod importabile & irrationabile exiſtit, licet de jure, uſu & conſuetudine, & communi obſervantia notorie obſervatis, Epiſcopis

Yet in several Countries the Right or Pretensions to the *Spolia* continued to our Times; wherein the Complaints against the Exactions of the Collectors grew so loud, that some had the Courage to oppose them openly, and to deny that the *Spolia* of the deceas'd Beneficiaries belong'd to the Apostolick Chamber.

This produc'd a Bull of Pope *Paul* III. in the Year 1541, which sets forth, "That some Persons "too busy and inquisitive (3), in order to invade "and usurp the Rights of the Apostolick Cham- "ber, had rais'd a Doubt, Whether the Goods of "Prelates and other Ecclesiasticks, which are "call'd *Spolia*, belong'd to this Chamber, because "there was no Apostolick Constitution for that "purpose; tho' it is evident from the Instances of "Collectors sent by his Predecessors into so many "several Parts, to exact and recover them, that it

Episcopis regni nostri testari liceat, & in suis testamentis executores ordinare: Qui prædicti Executores, aut saltem ipsorum Episcoporum hæredes ad faciendum reparationes ædificiorum Episcopalium, dum casus eveniunt, per Judices, & officiarios nostros compelluntur, & compelli consueverunt. Et cum ita fiat, ædificia & possessiones dictorum ædificiorum Episcopalium in statu non deformi permanebunt omni ruina carentes. At nunc, cum Episcopum in regno nostro ab hac luce migrare contingit, Collectores aut Sub-collectores summi Pontificis autoritate, bona mobilia, immobilia, ex decessu talium Episcoporum relicta, etiam illa, quæ per suam industriam quæsiverunt, quæ amplius ipsorum Episcoporum, neque censentur, sed ad suos hæredes, aut eorum Executores spectant, capiunt ——— Notum igitur facimus, &c.

(3) Is not this a very justifiable Curiosity, when it relates to such excessive Claims and Pretensions?

The Court of *Rome* hath exacted so much, that at last the World hath been provok'd to ask by what Right: And the Attempts of the Popes have often obliged the Princes to employ their Arms, and the Learned their Pens, to justify those Arms.

"hath

" hath always been the Intention of the Popes to " reſerve and appropriate them to the Chamber. " And therefore he willed and declared, That the " *Spolia* of the Clergymen deceas'd, or which ſhould " die hereafter, in all Kingdoms and Eſtates what- " ſoever, on this ſide, or beyond the Mountains or " Seas, even in Parts where no Collectors had ever " yet been appointed, ſhould belong to the Apoſto- " lick Chamber (4).

(4) Cum a nonnullis nimium curioſis, qui jura Cameræ Apoſtolicæ uſurpare, ac Cameram præfatam illis defraudare vellent, in dubium redigatur, an res & bona, ſpolia nuncupata, prælatorum, ceterarumque perſonarum Eccleſiaſticarum, ſecularium & regularium, tempore obitus ipſorum remanentia, ex eo, quod Rom. Pontifici & Cameræ præfatæ reſervata ſore, aliqua generali apoſtolica conſtitutione forſan non caveatur, ad Cameram prædictam jure legitimo ſpectare, & pertinere debeant.

Nos, etſi ſatis evidenter conſtet & appareat, prædeceſſorum noſtrorum Rom. Pontificum, & noſtram indubiam intentionem, & voluntatem ſemper fuiſſe, ut ſpolia hujuſmodi ad dictam Cameram ſpectarent & pertinerent, & quod pro eadem Camera exigerentur, & recuperarentur, cum prædeceſſores præfati diverſos dictorum ſpoliorum, ut ad Cameram ſpectantium, & pertinentium, collectores & exactores in variis provinciis & locis deputaverint & conſtituerint, & nos deputaverimus, conſtituerimus : Ac ſemper de illis dicti prædeceſſores perpleraſque literas, tanquam de rebus ad Cameram pertinentibus donando vel tranſcendo, diſpoſuerint, & nos diſpoſuerimus ——— dubium hujuſmodi enucleare, ac in præmiſſis opportune provideri volente motu proprio, & ex certa noſtra ſcientia, ac de apoſtolicæ poteſtatis plenitudine declaramus res & bona hujuſmodi, ſpolia nuncupata, in quibuſvis regnis ac dominiis, tam citra, quam ultra montes & maria conſiſtentia, quæ pro tempore poſt obitus Prælatorum, & perſonarum quomodolibet qualificatarum, etiam Cardinalatus honore fulgentium, qui vel nullo condito teſtamento, vel abſque ſufficienti facultate condito, deceſſerunt, decedent, remanſerunt, remanent, & remanebunt, *&c.* ſpectaſſe & ſpectare, illaque tanquam ad Cameram ipſam ſpectantia perpetuo colligi & recuperari potuiſſe & poſſe, atque debere. 7 *Decret. lib.* 3. *tit.* 3. *cap.* 1.

Thus the Over-zeal of ſome Perſons, in attempting to ſet a few Provinces at liberty from ſuch a Grievance, hath brought the Impoſition to be challenged over the whole Univerſe; tho' it has not hitherto been drawn into Practice any further than in Places where it had been already admitted. But this hath been all along the conſtant Courſe of this Affair; the Popes have iſſued their Bulls, but the Noiſe they make in the World, and the Alarm Men take at the Novelty, make the Execution be ſuſpended for ſome time, and until a more favourable Opportunity: When that happens, they fall to execute the Bulls with the ſame Rigour, Exactneſs of Cenſures, and other Severities, as if the Bulls had taken effect at the Time of their Publication, and had only been diſcontinued through the Malignity of ſome ill-affected Perſons.

Until the Year 1560, the *Spolia* comprehended only what remain'd of the Eccleſiaſtical Revenues at the Death of the Clerk or Incumbent. This Year Pope *Pius* IV. publiſh'd a Bull, in which he declar'd, "That under the Name of *Spolia*, which, "in all the Countries and Dominions, through-"out the World, belong to the Apoſtolick Cham-"ber, were the comprehended all whatſoever any "Clerk or Eccleſiaſtick had acquir'd, or ſhould "acquire, by any Ways, or Dealing, or Commerce "unlawful, or in any other Manner contrary to "the Canons (5)": Which is very comprehenſive, ſince they underſtand all ſort of merchandiſe to be unlawful.

Again

(5) Cum a nonnullis vertatur in dubium, an res, & bona per Clericos, etiam in ſacris ordinibus conſtitutas, ex negotiatione illicita, aut alias contra ſacros Canones acquiſita, uti ſpolia, vel alia ad Cameram præfatam jure legitimo ſpectare &c

Again, by the Canons the Clergy are prohibited many Sorts of Plays, and little Trades and Ways of Livelihood and Induſtry; by which they make great advantages, and from whence the Chamber will draw great Revenues, if the Bulls concerning the *Spolia* ſhould ever gain Admittance in one half of *Italy*, where they have never yet been put in execution, or in *Germany*, *France*, and other Kingdoms and States, where they have never yet been admitted. Beſides that in the Kingdoms of *Caſtile*, by a Law of the Emperor *Charles* V. and *Philip* II. all the Clergy of thoſe Kingdoms were exempted from this Impoſition.

The Canoniſts found the Right to the *Spolia* chiefly upon this Aſſertion, That the Pope is the real Proprietor of all Eccleſiaſtical Revenues; but thoſe who ſpeak with moſt Modeſty ſay, he is only Adminiſtrator of them.

By which Doctrine the Parties concern'd have ſlid into a Practice of much Convenience; which is, That if any Man have wrongfully poſſeſs'd himſelf of any Benefice, or committed any other Rob-

& pertinere debeant. Nos omnem deſuper hæſitationis materiam ſubmovere, & malitiis eorum, qui jura dictæ Cameræ uſurpare ſatagunt, obviare, aliaſque in præmiſſis opportune providere volentes, motu proprio, & ex certa noſtra ſcientia, ac de apoſtolicæ poteſtatis plenitudine, decernimus & declaramus, omnia & ſingula, res & bona, cujuſcunque qualitatis & quantitatis exiſtentia, ac in quibuſvis regionibus, & regnis, ac dominiis, tam citra quam ultra montes & maria conſiſtentia, per quoſvis Clericos tam Seculares, quam Regulares, *&c.* ex negotiatione illicita, aut alias, contra ſacros canones quomodolibet acquiſita, ad eamdem Cameram & non alios, etiam in quibuſvis Cathedralibus etiam Metropolitanis, & Collegiatis, ac aliis Eccleſiis, Monaſteriis, Hoſpitalibus, Militiis, &c. ſucceſſores ſpectare, ac ſub nomine ſpoliorum venire, illaque uti ſpolia, ad Cameram pertinentia, perpetuo colligi potuiſſe, poſſe, ac debere. *Nov.* 1560. *Ibid. cap. ultim.*

bery

bery on the Church, he came to an Agreement with the Apoſtolick Chamber to give ſuch a Part, by which he not only ſecur'd the reſt, but a ſafe Conſcience to himſelf in the Enjoyment of it. Upon punctual Performance of which Agreement, it is univerſally affirm'd, he hath a general Releaſe and Abſolution for all the reſt, and may lawfully retain and enjoy it as his own; ſeeing the Pope is either abſolute Proprietor, or univerſal Adminiſtrator. And this is call'd, Compounding with the Apoſtolick Chamber, whoſe Power is thus happily enlarg'd, that thoſe whoſe Conſciences are either ſelf-convicted, or have any Qualm about them of enjoying any thing that is not their own, but know not where to make Reſtitution, may have recourſe to this Compoſition, in relief of all their Scruples.

FINIS.